

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66949 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- BALIYA District- Begusarai

Munna Choudhary, Son of Badan Choudhary @ Ram Badan Choudhary,
Resident of village - Bhagatpur, P.S.- Ballia, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Ballia
P.S. Case No.364 of 2021 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the FIR and is
in custody since 22.12.2021.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while doing
so, taken away cash of Rs.15,000/- and one mobile belongs to
the informant. It is further alleged that cash of Rs.2,000/- was
also taken away from pillion rider.

It is submitted by the learned counsel that name of the
petitioner surfaced during the course of investigation on the



basis of confessional statement of co-accused, namely, Amit Kumar, in furtherance of which no incriminating material recovered, as to connect petitioner, *prima facie*, with present set of occurrence. It is also pointed out that petitioner was not put on T.I.P. as yet. While concluding the argument, it is submitted that the petitioner was involved in one more case, where he is on bail and moreover, investigation of this case has been completed, for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Additional Public Prosecutor appearing for the State while opposing the prayer for bail to the petitioner, fairly conceded that the petitioner is not named in the FIR.

In view of the above-mentioned facts and circumstance and by taking note of the fact as no incriminating material was recovered/surfaced during the course of investigation to connect the petitioner, *prima facie*, with present occurrence of robbery, coupled with the fact that charge-sheet has already been submitted, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No.364 of 2021, subject to



the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J)

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