

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66724 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Ram Mohan Rastogi S/o Late Rishi Prasad Rastogi R/o Mohalla- Shanker
Saraiya Chowk, P.S.- Turkoliya, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Piprakoti
P.S. Case No.215 of 2022 registered for the offence under
Sections 328, 420, 392 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.07.2022.

The allegation against the petitioner is to receive
looted items from co-accused persons, who committed the crime
of robbery and while committing so looted a truck carrying
1500 containers of palm oil.

Learned counsel appearing on behalf of the petitioner
submitted that only nine containers of palm oil was purchased



by the petitioner believing that alleged item is not looted items. It is also submitted that alleged recovery was made from the house of petitioner, which is jointly occupied and such it cannot be said that recovery was made from the conscious physical possession of the petitioner. It is also submitted that compliance of Section 100(4) of the Cr.P.C. not appears to be made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Piprakoti P.S. Case No.215 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,



East Champaran, Motihari/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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