

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74007 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- BIHTA District- Patna

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1. Nawin Kharwar Son of Injan Gulguliya @ Anjan Gulguliya @ Injan Kharwar Resident of village - Naubatpur, Jalalpur, Naharpar, Dhanaut, P.S.- Naubatpur, Dist.- Patna.
 2. Gunga @ Vinay @ Binay Kharwar Son of Injan Gulguliya @ Anjan Gulguliya @ Injan Kharwar Resident of village - Naubatpur, Jalalpur, Naharpar, Dhanaut, P.S.- Naubatpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Bihta P.S.
Case No. 492 of 2021 registered for the offence under Sections
341, 342, 302 and 394 of the Indian Penal Code and Section 27
of the Arms Act.

The accused/petitioners are not named in the F.I.R.
and are in custody since 25.10.2021.

The allegation against the petitioners is to commit
robbery alongwith other co-accused persons and while



committing so taken away cash of Rs. 25,000/- (Rupees Twenty Five Thousand) and jewelry made of gold belongs to informant and other family members and further during the course of occurrence, husband of informant was shot dead.

Learned counsel appearing on behalf of the petitioners submitted that the name of petitioner surfaced in present case during the course of investigation on the basis of self-confession, while he was apprehended in Bihta P.S. Case No. 581 of 2021. It is further pointed out that in furtherance of self-confession of petitioner, no incriminating material recovered/surfaced, so as to connect petitioner, prima facie, with present occurrence of robbery and murder. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in only one case from which he was remanded in present case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during the



course of investigation to connect petitioner, prima facie, with the present occurrence of robbery and murder, coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Bihta P.S. Case No. 492 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions as:

(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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