

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70997 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- BANIAPUR District- Saran

Chhotu Kumar, Son of Bhagirath Ram, R/o Village- Pojhiya/Deuria, P.S.-
Kopa, District- Saran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s: Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the pe-
titioner 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 petitioner seeks bail in connection with Baniypur
P.S. Case No. 235 of 2021 registered for the offence under Sec-
tion 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.01.2022.

The allegation against the petitioner is to commit rob-
bery and while committing so taken away cash of Rs. 8000/-,
one mobile and motorcycle belongs to informant.

Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner surfaced in the present case on



the basis of self confession, which was recorded while apprehended in Baniyapur P.S. Case No. 399/2021. It is also submitted that in furtherance of said self confession, no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present occurrence of robbery. It is also pointed out that no TIP as yet was conducted. It is further submitted that prior to lodging case of Baniyapur P.S. Case No. 399 of 2021 criminal antecedent of petitioner was clean but subsequent thereafter on the basis of self confession he was named in 13 cases, which in itself an example of police atrocities. While concluding the argument, it is submitted that 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, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material recovered/surfaced in furtherance of self confession of petitioner which may connect him, *prima facie*, with present occurrence of robbery, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baniypur P.S. Case No. 235



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 J.M., First Class, Saran at Chapra/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition that:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner 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 petitioner duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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