

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68317 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- SINGHESHWAR District- Madhepura

Ashish Kumar, Son of Vijendra Yadav, R/o Village- Toksihpur, P.S.-
Gamharia, District- Madhepura.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the
petitioner 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
Singheshwar P.S. Case No. 77 of 2021 registered for the offence
under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.03.2022.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away cash of Rs. 60,000-70,000/- belongs
to informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Sagar Kumar, in furtherance of which no incriminating material recovered/surfaced, which may connect petitioner, prima facie, with the present occurrence of robbery. It is also submitted that petitioner was not put on TIP as yet. While travelling over the argument, it is submitted that similarly situated co-accused, namely Raushan Kumar @ Hitler has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 17.11.2022 passed in Cr. Misc. No. 37707 of 2022. While concluding the argument, it is submitted that petitioner found involved in 7 cases, where he is on bail in 5 cases and in most of the cases, the name of petitioner surfaced on the basis of confessional statement as of the present case 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 that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced to connect petitioner, prima facie, with the present occurrence of



robbery, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Singheshwar P.S. Case No. 77 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 C.J.M., Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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