

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71308 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- BANIAPUR District- Saran

INDRAJIT KUMAR MAHTO @ AMARJIT KUMAR S/o Raj Kumar
Mahato R/o Village- Nawada, P.S.- Baniyapur, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 Heard learned counsel appearing on behalf of the parties.

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

The petitioner seeks bail in connection with Baniyapur P.S. Case No. 391 of 2021 registered for the offence under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 28.05.2022.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so, taken away gold equivalent to Rs. 2,00,000/- belongs to the informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated in the present case, where, his name surfaced, on the basis of confessional statement of co-accused, namely, Suraj Kumar, in furtherance of which, no incriminating recovered/surfaced, which may connect this petitioner, *prima facie*, with the alleged occurrence of robbery. It is also pointed out that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner found involved in 03 more criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already 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 was not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except confessional statement of co-accused, no incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the alleged occurrence of robbery coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Baniyapur P.S. Case No. 391 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 Judicial Magistrate –
1st Class, Saran/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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