

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71489 of 2022

Arising Out of PS. Case No.-107 Year-2020 Thana- RAGHOPUR District- Supaul

PRABHASH MEHTA @ PRABHASH KUMAR MEHTA @ PRABHASH
KUMAR S/O Surendra Mehta R/O Village- Tintangi Tamua, Ward No-13,
P.S- Chhatpur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 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 Raghopur P.S. Case No. 107 of 2020 registered for the offence under Section 397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.09.2021.

The allegation against the petitioner is to commit robbery along with other co-accused person and while committing so, taken away cash of Rs. 5,00,000/-, mobile and



motorcycle, belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of other co-accused persons, namely, Dinesh Sah and Sujit Kumar, in furtherance of which no incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of robbery. It is submitted that both above co-accused persons, namely, Dinesh Sah and Sujit Kumar have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 44424 of 2021 dated 02.11.2021 and Cr. Misc. No. 16827 of 2021 dated 22.10.2021, respectively. It is also pointed out by learned counsel that no TIP of petitioner has conducted, as yet. While concluding the argument, it is submitted that petitioner found involved in 06 more criminal cases, where, he is on bail in 05 cases and also acquitted in one case and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail and fairly conceded the fact that



petitioner is not named in present FIR.

Considering the facts and circumstances as mentioned above and by taking note of the fact that no incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the 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 Raghapur P.S. Case No. 107 of 2020, 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 District and Sessions Judge-I, Birpur, Supaul/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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