

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70357 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Rakesh Kumar @ Dabal Zero @ Rakesh Mahto @ Rakesh Tatwan, Son of
Sita Ram Mahto, R/o Village- Hasanpur Surat, P.S.- Patory, District-
Samastipur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, 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 Hajipur
Sadar P.S. Case No. 663 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 01.10.2021.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away cash of Rs. 1,27,200/-, one
motorcycle, Tab, Mobile Phone, Pan Card and Adhar Card



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 apprehended co-accused persons, namely Saket Kumar @ Anurag @ Naga and Jyotish Thakur. It is submitted that alleged recovered Redmi mobile is without having any specification/IMEI number, which is unique to a particular electronic device and in want of same, it cannot be connected with looted Redmi mobile as alleged by informant. It is also submitted that seizure list of said Redmi mobile was not even prepared during the course of investigation. While concluding the argument, it is submitted that petitioner found involved in 13 cases, where he is on bail in 11 cases and in maximum of 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 alleged recovered Redmi mobile is without any IMEI number and specification to connect with Redmi mobile alleged to be looted from the informant during the course of occurrence, 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 Hajipur Sadar P.S. Case No. 663 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., Vaishali at Hajipur/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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