

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73959 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Chandan Kumar Son Of Suresh Kumar Singh R/O Village- Adharpur, P.S.-
Samastipur (Muffasil), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Dalsingsarai P.S. Case No.84 of 2022 registered for the offence
under Section 394 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 03.06.2022.

The allegation against the petitioner is to commit
robbery alongwith other unknown co-accused person and while
committing so taken away motorcycle having in possession of
informant and further alleged that during the course of
occurrence firing was made by one of the co-accused person



hitting the leg of the informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case during the course of investigation on the basis of confessional statement of co-accused, namely Chandradeep Kumar, and also on the basis of self-confession while he was apprehended in Warisnagar (Mathurapur O.P.) P.S. Case No.86 of 2022 from where the petitioner was remanded in the present case. It is submitted that in furtherance of the said confessional statement/self-confession no incriminating material recovered/surfaced, which may connect this petitioner, *prima facie*, with the present occurrence of robbery. It is submitted that said Chandradeep Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.32851 of 2022 vide order dated 13.02.2023. It is also submitted that the co-accused facing allegation of firing has also been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 64790 of 2022 vide order dated 24.02.2023. It is also submitted that petitioner not put on T.I.P. as yet. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases where he is on bail and in most of the cases his name surfaced on the



basis of confessional statement as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned above as no incriminating material surfaced/recovered during the course of investigation to connect petitioner, *prima facie*, with the present occurrence of robbery coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Dalsingsarai P.S. Case No.84 of 2022 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 Chief Judicial Magistrate I, Samastipur/concerned court, subject to the following conditions as mentioned :-

- (i) 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.

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

(Chandra Shekhar Jha, J.)

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