

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15142 of 2024

Arising Out of PS. Case No.-373 Year-2022 Thana- ROSERA District- Samastipur

Abisek Kumar @ Ankit Kumar @ Abhishek Kumar S/O Ramsogarth Mahto
@ Ram Sogarath Mahto R/O Village- Bataha, Ward No.-11, P.S- Rosera,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is not named in F.I.R.

and apprehending his arrest in connection with Rosera P.S.

Case No. 373/2022 registered for the offences punishable

under Section 394 of the Indian Penal Code.

3. The allegation against petitioner is to commit

robbery along with other co-accused persons and looted cash

of Rs. 3,000/-, PAN Card and other documents belongs to

the informant.

4. 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, Badal Singh and Pawan Kumar, where no incriminating material alleged to be recovered from the possession of the petitioner. It is submitted that save and except confessional statement, nothing incriminating appears available against the petitioner. It is submitted that the petitioner was made accused in Rosera P.S. Case No. 381 of 2022 also on the basis of confessional statement of said co-accused Badal Singh only, where he was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 43319 of 2023 dated 08.08.2023. Now, on second occasion, same co-accused Badal Singh named petitioner out of local enmities/dispute and differences. It is further submitted that no T.I.P. has been conducted to suggest any *prima facie* involvement of the petitioner with the occurrence.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as except confessional statement of co-accused, nothing appears incriminating *prima facie* against this petitioner accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Rosera/concerned Court, where the case is pending in connection with Rosera P.S. Case No. 373 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions that:-

- (i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) That petitioner shall not interact with informant/victim during the trial in any manner or to influence

any witness, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/petitioner shall co-operate 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.

(Chandra Shekhar Jha, J)

sadique/-

U		T	
---	--	---	--