

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26659 of 2024

Arising Out of PS. Case No.-308 Year-2022 Thana- SAMASTIPUR District- Samastipur

Rakesh Kumar @ Sankal Kushwaha @ Lalwa @ Lala Son Of Late Ram
Sakal Mahto R/O-Mathurapur, P.S.-Warisnagar (Mathurapur Op), Distt.-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mandira Sau, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2024 Heard learned counsel appearing on behalf
of the petitioner and Mr. Kalyan Shankar, learned
A.P.P. for the State.

2. Petitioner seeks bail in connection with
SMT Town P.S. Case No. 308 of 2022 registered for
the offences under Sections 394/120B/307/411 of
the Indian Penal Code and Section 27 of the Arms
Act.

3. The petitioner is not named in the First
Information Report and is in custody since
13.02.2023.

4. Allegation against the petitioner is to
commit robbery and while committing so, taken
away cash of Rs. 57,000/- which was in possession



of the brother of informant at the time of occurrence.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner surfaced during course of investigation on the basis of confessional statement of co-accused namely, Sangam Kumar @ Bhulla, in furtherance of which no incriminating material has been recovered during course of investigation as to *prima-facie* connect the petitioner with the present case of robbery. It is further pointed out that said co-accused Sangam Kumar @ Bhulla has already been granted privilege of regular bail by this Court vide order dated 26.07.2023 as passed in Cr. Misc. No. 39106/2023. Learned counsel submitted that petitioner was not put on Test Identification Parade. While concluding argument, it is submitted that petitioner found involved in seven (7) more criminal cases, where he is on bail and, moreover, investigation of this case is completed and as such, there is no chance of tampering with the evidence.



6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact that save and except suspicion arises out of confessional statement of co-accused, nothing *prima-facie* appears incriminating against this petitioner as to connect him with the present case of robbery, coupled with the fact that petitioner is in custody since 13.02.2023, where investigation of the case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 10th Additional District & Sessions Judge, Samastipur/concerned court, in connection with SMT Town P.S. Case No. 308 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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