

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67772 of 2024**

Arising Out of PS. Case No.-215 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Binay Kumar @ Vinay Kumar Son of Chhunnu Mahto R/o Village- Nandpur,  
P.S.- Sangrampur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      20-09-2024                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned A.P.P. for the State.

**2.** Petitioner seeks bail in connection with  
  
Piprakothi P.S. Case No. 215 of 2022 registered for the  
  
offences under Sections 328, 420, 392, 34 of the Indian  
  
Penal Code.

**3.** The petitioner is not named in the First  
  
Information Report and is in custody since 22.07.2024.

**4.** Allegation against the petitioner is to commit  
  
robbery alongwith other co-accused persons and while doing  
  
so, looted a truck loaded with 1500 containers of palm oil,  
  
which belongs to the informant.

**5.** It is submitted by learned counsel appearing on



behalf of the petitioner that name of petitioner transpired in this case only out of suspicion arising out of confessional statement of co-accused Ranjan Kumar, where no incriminating material recovered/surfaced from the petitioner during investigation as to connect him *prima-facie* with the present occurrence of robbery. It is submitted that petitioner claimed to be a man of clean antecedent and, moreover, investigation of this case has already completed and, as such, there is no chance of tampering with the evidence.

**6.** It is pointed out that similarly situated co-accused namely, Mohan Prasad has already granted bail by learned coordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 68950 of 2022 and co-accused Ram Mohan Rastogi and Ranjan Kumar have been granted bail by this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 66724/2022 and Cr. Misc. No. 66679/2022.

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

**8.** In view of the aforesaid facts and circumstances



and by taking note of the fact as save and except suspicion arising out of confessional statement of co-accused, nothing incriminating materials recovered/surfaced from the petitioner as to connect him *prima-facie* with the present occurrence of robbery, coupled with the fact that petitioner is in custody since 22.07.2024, where investigation of this 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 11<sup>th</sup> Additional Chief Judicial Magistrate, Motihari, East Champaran/concerned court, in connection with Piprakothi P.S. Case No. 215 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

Rajeev/-

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