

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79231 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- RAJPUR District- Buxar

SHRAWAN YADAV @ SHARWAN KUMAR @ SIDHARTH @ SRAWAN
YADAV Son of Nageshwar Yadav Resident of Mohalla- Nai Bazar, Ward No.
08, P.S.- Buxar (Town), District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 The present matter has been listed before this Court,

in view of the notification printed in the daily cause list under

the orders of Hon'ble the Chief Justice due to non-availability of

the appropriate Bench (Hon'ble Mr. Justice Hemant Kumar

Srivastava).

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is languishing in custody since

09.09.2019 in a case registered for the offence punishable

under Section 379 of the Indian Penal Code.

The prosecution case as per the written report dated

29.05.2019 is to the effect that the petitioner withdrew

Rs.16,75,000/- from the State Bank of India, Kochas branch



and proceeded towards Buxar on a motorcycle along with his wife, but on the way, while he stopped his vehicle in order to drink water, two unknown person came on a motorcycle and snatched the bag containing the said cash amount, leading to registration of FIR against unknown. Subsequently, during course of investigation, the name of the petitioner sprang up on the basis of confessional statement of co-accused, Dimple Paswan.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. Moreover, the confession of co-accused does not lead to any recovery from the possession of the petitioner and the petitioner has not been put on Test Identification Parade. A statement to that effect has been made in paragraph no.6 of the petition. It is further submitted that the investigation has already been concluded. Though the petitioner is accused in two other cases of similar nature, but he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused.

Considering the fact that the investigation has



already been concluded and the petitioner has not been put on Test Identification Parade, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar, in connection with Rajpur P.S. Case No. 109 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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