

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9970 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

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Guddu Yadav S/O Saldeo Yadav Resident of Mohalla- Choudharydih,
Manikpur, P.S. Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the State : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Industrial
Area P.S. Case No. 107 of 2021 registered for the offence under
Sections 395 and 323 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.09.2021.

The name of the petitioner has been surfaced in this



case on the basis of confessional statement of co-accused, namely, Ram Kuber Sharma.

The allegation against the petitioner is to commit dacoity alongwith other co-accused persons in the jewellery shop of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has been surfaced in the present case on the basis of confessional statement of co-accused, namely, Ram Kuber Sharma, who has already been granted bail by one of a learned Co-ordinate Bench of this Hon'ble Court vide order dated 17.05.2022 passed in Cr. Misc. No. 64431 of 2021. While arguing over the matter, it has further been submitted that T.I.P. has not been conducted and importantly, the compliance of Section 65B of the Indian Evidence Act as regard to the admissibility of the electronic evidence has not been made in the present case. It has further been submitted that chargesheet has already been submitted in this case, 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 to the extent that the compliance of Section 65B of the Indian Evidence Act is



appearing doubtful on its face. Learned APP further submitted that the petitioner has been captured in CCTV footage while committing dacoity.

Considering the facts and circumstances as mentioned above, as the compliance of Section 65B of the Indian Evidence Act is appearing doubtful coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Industrial Area P.S. Case No. 107 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate- Incharge, Bhagalpur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented 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 duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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