

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11350 of 2022**

Arising Out of PS. Case No.-94 Year-2021 Thana- SHANKARPUR District- Madhepura

ABHISHEK KUMAR @ BHAVESH KUMAR Son of Birendra Yadav @  
Virendra Yadav @ Vijendra Yadav Resident of Village- Kabiya, P.S.-  
Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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

2      06-07-2022      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  
Shankarpur P.S. Case No.94 of 2021 registered for the offence  
under Sections 399, 402 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 24.07.2021.

The allegation against the petitioner is for preparation  
of committing dacoity and found in possession of one knife in  
connection with said preparation.

Learned counsel appearing on behalf of the petitioner



submitted that nothing surfaced during course of the investigation, which may suggest that the petitioner was under preparation for dacoity. It has been submitted that mere possession of one knife, it cannot be said that petitioner was preparing for dacoity and further that implication of the petitioner in the present case is due to criminal antecedent. It has further been submitted that Section 100 of Cr.PC. is not complied with, as the search and seizure is not supported by independent witness. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet 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, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation, which may suggest that the petitioner was preparing for dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shankarpur P.S. Case No.94 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 A.C.J.M., I, Madhepura, subject to the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, 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 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.*

*(iii) That one of the bailors shall be Birendra Yadav @ Virendra Yadav @ Vijendra Yadav, who is the father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S. Sen/-

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