

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21325 of 2022

Arising Out of PS. Case No.-591 Year-2021 Thana- PATLIPUTRA District- Patna

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Chandan Kumar S/o Shri Gopal Sharma Resident of Village-
Shahdullapur,P.S.- Lalganj, District- Vaishali, A/P residing at Surya Triveni
Apartment, Flat No. S-6, G.D. Mishra Path, P.S.- Patliputra, District- Patna.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Patliputra
P.S. Case No. 591 of 2021 registered for the offence under
Sections 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.12.2021.

The allegation against the petitioner is to commit
dacoity, alongwith other co-accused persons, and while
committing so, taken away cash of Rs. 41 lakhs including
cheques, and also taken away the key of the car belongs to the
informant.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of self confession, while apprehending in Patliputra P.S. Case No. 625 of 2021 and on the basis of self confession, he was remanded in the present case on 09.12.2021. It is submitted that in furtherance of self confession, nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of dacoity. It is further submitted that mere on the ground of mobile location, petitioner cannot be involved in the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in F.I.R.

In view of the facts and circumstances, as mentioned above, as implication is only on the basis of self confession and mobile tower location, without surfacing any further incriminating material during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of 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 Patliputra P.S. Case No. 591 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 Sub Judge-X-cum-Additional Chief Judicial Magistrate, Patna/concerned Court, subject to the following conditions:

“(i) That 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.

(ii) That one of the bailors shall be Vikram Sharma, who is the younger brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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