

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30015 of 2022

Arising Out of PS. Case No.-80 Year-2016 Thana- GHOGHARDIHA District- Madhubani

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MUKESH YADAV @ MUKESH KUMAR YADAV SON OF RAMSWARUP
YADAV R/O VILLAGE- RAJAURA, MAHTHAURA, P.S.-
ANDHRAMATH, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2022 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
Ghoghardiha P.S. Case No. 80 of 2016 registered for the offence
under Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.07.2017.

The allegation against the petitioner is to commit
dacoity and while committing so, taken away jewellery of silver
about total of 180 gm, gold 2 gm, two mobiles, belongs to
informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the FIR, where, name of this petitioner surfaced, on the basis of confessional statement of co-accused, namely, Mohd. Ismile. It is also submitted that in furtherance thereof, nothing incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of dacoity. It is submitted that petitioner was not put on TIP, as yet. It is submitted that co-accused, namely, Noor Mohammad has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 67772 of 2018 dated 26.11.2018. It is further pointed out that petitioner is involved in other 21 cases, where he was implicated in the present case merely on the basis of suspicion arises out of said criminal antecedents and he is on bail in 20 cases, where, in maximum of cases, his name surfaced on the basis of confessional statement of co-accused, as of the present. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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 the FIR.

Considering the facts and circumstances as mentioned



above, as no incriminating material recovered/surfaced, during course of investigation, to connect this petitioner, *prima facie*, with the present set of dacoity coupled with the fact that charge-sheet has already been submitted, where, petitioner is in custody since 30.07.2017, let the petitioner, above named, is directed to be released on bail in connection with Ghoghardiha P.S. Case No. 80 of 2016, 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., Jhanjharpur, Madhubani/concerned court, subject to the following conditions:

“(i) 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 of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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