

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29289 of 2022

Arising Out of PS. Case No.-402 Year-2014 Thana- BANKA District- Banka

PAPPU YADAV S/o Bharat Yadav R/o village- Gora, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 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 Banka
P.S. Case No. 402 of 2014 registered for the offence under
Sections 147, 148, 149, 435 and 427 of the Indian Penal Code,
Section 27 of the Arms Act, Sections 3 and 4 of the Explosive
Substances Act and Section 17 of C.L.A. Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.03.2022.

The allegation, as set up by the informant that after
hearing sound of bomb explosion, he along with other villagers
arrived thereof and seen about 20-25 unknown criminals



equipped with lethal weapons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Ashok Tanti, in furtherance of which, nothing incriminating recovered/surfaced during course of investigation to connect the petitioner, *prima-facie*, with the present set of occurrence. It is also submitted that said co-accused, namely, Ashok Tanti has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 14161 of 2016 dated 05.04.2016. It is also submitted that petitioner was never put on TIP. It is also submitted that involvement of petitioner is due to his criminal antecedents as he involved in other 05 criminal cases, where, he is on bail. 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 FIR.

Considering the facts and circumstances as mentioned above, as no incriminating surfaced during course of investigation to connect this petitioner with the present



occurrence, *prima-facie*, 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 Banka P.S. Case No. 402 of 2014 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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