

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43848 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- NAUTAN District- West Champaran

Subhash Singh S/O Ekbal Singh R/O Village- Bagha Chaur, P.S.- Taraiya
Sujaan, District- Kushinagar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-11-2022 The Case is heard through Video Conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Nautan P.S. Case No. 101 of 2021 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant's tractor was looted by some unknown miscreants.

The main submissions advanced by the learned counsel Mr. Sachida Nand Rai appearing for the petitioner are that the petitioner is not named in the FIR and his name



transpired in the alleged crime in the statement of co-accused persons named Niraj Yadav and Vyas Singh and after his arrest the police failed to recover the looted tractor and the petitioner has clean antecedent and has been languishing in jail since 26.05.2022 and against him the investigation has been completed

Learned APP Mr. Yogendra Kumar Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The petitioner has clean antecedent and as per above submissions he was made accused mainly on the basis of statements of two co-accused persons and after his arrest the police failed to recover any incriminating material connecting him to the alleged occurrence of *dacoity* and against this submission no refutation was made by the learned APP and moreover the order impugned goes to show that while rejecting the prayer of the petitioner the learned Court below mainly placed reliance on the confessional statement of co-accused Narad Yadav which also support the said defences taken by the petitioner. Considering these facts and mainly taking into account the petitioner's clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in



respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Nautan P.S. Case No. 101 of 2021.

(Shailendra Singh, J.)

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