

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44205 of 2022

Arising Out of PS. Case No.-41 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Tuntun Yadav S/o Late Ajablal Yadav @ Ajjal Yadav Resident of Maheshpur,
P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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
Mojahidpur P.S. Case No. 41 of 2019 registered for the offence
under Section 92 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.07.2019.

The allegation against the petitioner is to commit
robbery, along with other co-accused persons, and while
committing so taken away cash of Rs. 47,000/- from the shop of
the informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has falsely implicated in the present



case, merely, on the basis of suspicion as he was found involved in four (4) criminal cases, where he is on bail in all cases. It is submitted that name of the petitioner surfaced on the basis confessional statement of co-accused namely, Anand Yadav, in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is further submitted that said co-accused, Anand Yadav, has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 13698 of 2022 vide order dated 15.06.2022. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery 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 Mojahidpur P.S. Case No. 41 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhagalpur/concerned Court, 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 deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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