

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64271 of 2022**

Arising Out of PS. Case No.-26 Year-2022 Thana- KORANSARAI District- Buxar

Sunil Kumar @ Mannu Son of Swaminath Yadav R/O Village- Jaso Road
Golambar, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 30-11-2022 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
Koransarai P.S. Case No. 26 of 2022 registered for the offence
under Sections 392 and 34 of the Indian Penal Code and after
investigation police submitted charge-sheet under Sections 395
and 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.05.2022.

The allegation against the petitioner is to commit
robbery where charge-sheet has been submitted for dacoity,
while committing so taken away cash of Rs. 3,000/-, one bullet



motorcycle and mobile belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Abhishek Yadav@Jeeta Yadav, in furtherance of which no incriminating material recovered/surfaced which may connect this petitioner, *prima facie*, with present set of occurrence. It is also submitted that petitioner was not put on TIP, as yet. It is further submitted that subsequent to this case petitioner was named in 5 more criminal cases, where he is on bail and in almost all cases, the name of petitioner surfaced on the basis of confessional statement of co-accused persons, as of the present case. While concluding the argument, it has been submitted that investigation has been completed, 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 F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence coupled with the fact that



charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Koransarai P.S. Case No. 26 of 2022 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 Sessions Judge 4, Buxar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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