

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18034 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- PARBATTa District- Bhagalpur

Nitish Kumar Son of Late Pawan Yadav Resident Of Village - Dhobiniya,
P.S.- Naugachia, District - Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Parbatta P.S. Case No. 95 of 2022 registered for the offence
under Section 392 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 19.10.2022.

4. The allegation against the petitioner is to commit
robbery alongwith other unknown co-accused persons, and
while committing so looted cash of Rs. 1,44,140/- belongs to
informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of this petitioner surfaced
during the course of investigation on the basis of confessional



statement of co-accused Chandan Yadav and in furtherance thereof, no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of robbery. It is further submitted that said co-accused Chandan Yadav has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 28165 of 2023 vide order dated 24.05.2023. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except confessional statement of co-accused Chandan Yadav, nothing incriminating recovered to connect petitioner, *prima facie*, with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Parbatta P.S.



Case No. 95 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-III, Naugachia, District- Bhagalpur/
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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