

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15837 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BRAHMPUR District- Buxar

PAPPU YADAV S/o- MUNNA YADAV Resident of Village- Akalpur
(Ahibaran Rai Ke Dera) Ps- Krishna Brahm (Brahampur) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25388 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BRAHMPUR District- Buxar

BHARAT KUMAR YADAV Son of Late Vijay Yadav Resident of village-
Nathuni Ka Bag, P.S.-Dumraon, District-Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15837 of 2023)

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Nitya Nand Tiwary

(In CRIMINAL MISCELLANEOUS No. 25388 of 2023)

For the Petitioner/s : Mr.Rabindra Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with
Brahampur (Krishna Braham) P.S. Case No. 10 of 2023
registered for the offence under Section 394 of the of the Indian
Penal Code.



3. As per prosecution case, the informant alleged that while he was returning to his C.S.P. center after withdrawing the amount of Rs. 5,80,000/- from Bank of Baroda, Dumraon Branch, meanwhile, three miscreants intercepted and robbed the said amount thereafter, they fled away. Accordingly, the present FIR has been lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are not named in the FIR rather their name transpired in this case on the basis of confessional statement of co-accused Bishwash Mali before the police, which is inadmissible in the eye of law. Learned counsel in respect of petitioner Papu Yadav further submits that the petitioner was surrendered on 18.1.2023 and police took him on remand on 23.1.2023 but the TIP has been conducted on 7.2.2023 for which, there is no explanation of delay in conducting the T.I. Parade. No any looted cash or incriminating article has been recovered from possession of Pappu Yadav. It is further submitted that both the petitioners are languishing in judicial custody since 18.1.2023 & 10.1.2023 respectively.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner



namely, Bharat Kumar Yadav confessed his guilt regarding commission of this offence in his self confessional statement which is evident from para 44 of the case diary. At the instance of said confession, cash of Rs 49,500/- which is said to be looted along with other incriminating material have been recovered from house of the petitioner Bharat Kr. Yadav. It is also submitted that when the TI Parade was held, the petitioner Bharat Kumar Yadav was properly identified by the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner namely, **Pappu Yadav** on bail. The above named petitioner is directed to be released on bail in connection with Brahampur (Krishna Braham) P.S. Case No. 10 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar.

7. So far as petitioner namely, **Bharat Kumar Yadav** is concerned, as alleged looted cash along with other material has been recovered from his house, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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