

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28503 of 2023**

Arising Out of PS. Case No.-56 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

Saket Kumar @ Saket Yadav S/O- Fuleshwar Prasad Yadav Village- Mauji
Hari Singh, Ps- Bakhri, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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

3 04-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Nowkothi P.S. Case No.56 of 2021 registered for the offence
under Sections 395, 397 and 412 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 25.08.2021.

4. The allegation against the petitioner is to commit
dacoity alongwith other co-accused person and while
committing so looted away cash of Rs.9,060/-, mobile phone,
motorcycle and other personal documents like PAN, Aadhar and



driving license belonging to informant during the course of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely Balram Jha, where in furtherance nothing incriminating surfaced/recovered as to connect petitioner, *prima facie*, with the present occurrence of dacoity. It is also submitted that petitioner was not put on T.I.P., as yet. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except suspicion out of confessional statement, where nothing recovered incriminating from this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.08.2021, accordingly, petitioner, above named, is directed to be released on bail in connection with Nowkothi P.S. Case



No.56 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further 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)

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