

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32704 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- SHANKARPUR District- Madhepura

Rupesh Yadav Son of Arbind Yadav Resident of Village - Kabiya, Ward
No.- 14, P.S.- Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 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
Shankarpur P.S. Case No. 76 of 2022 registered for the offence
under Sections 356 and 379 of the Indian Penal Code, 1860.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.11.2022.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away motor-cycle and mobile belongs to
informant.

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 Sanjeet Das, where in furtherance of no incriminating material recovered/surfaced during the course of investigation so as to connect petitioner, *prima facie*, with present occurrence of robbery, where initially F.I.R. was lodged for theft. It is submitted that said co-accused Sanjeet Das has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 74056 of 2022 vide order dated 17.04.2023. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that 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.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement no incriminating material appears to be recovered from the possession of this petitioner during the course of investigation as to connect him, *prima facie*, with present occurrence of robbery coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.11.2022,



accordingly, above named petitioner is directed to be released on bail in connection with Shankarpur P.S. Case No. 76 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-I, Madhepura/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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