

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30034 of 2023

Arising Out of PS. Case No.-542 Year-2022 Thana- MADHAURAH District- Saran

Nitesh Kumar Son Of Asharfi Rai @ Asharfi Ray Village- Dharampur Jafar,
Ps- Amnour, Dist- Chapra Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Madhaurah P.S. Case No.542 of 2022 registered for the offence
under Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.09.2022.

The allegation against the petitioner is to commit
dacoity alongwith other unknown co-accused persons and while
committing so taken away newly purchased truck of informant.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of
suspicion and self-confession, where nothing incriminating



recovered/surfaced, so as to connect this petitioner with the present occurrence of dacoity during the course of investigation. It is also submitted that alleged looted truck was recovered from co-accused, namely Satyendra Kumar Rai and Chandrma Manjhi, and not from this petitioner. It is also submitted that T.I.P., was not conducted as yet. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, 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.

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

In view of the facts and circumstances as mentioned above as save and except self-confession and suspicion nothing appears incriminating against this petitioner to connect, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.09.2022, accordingly petitioner, above named, is directed to be released on bail in connection with Madhaurah P.S. Case No.542 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 Chief Judicial Magistrate, Saran at Chapra/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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