

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33807 of 2023**

Arising Out of PS. Case No.-854 Year-2022 Thana- BARACHATTI District- Gaya

Tuntun Yadav S/O Sarju Yadav @ Sarju Prasad Yadav R/O Village-Dhanawa
(Bumer), P.S.-Barachatti, District-Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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

2 24-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barachatti
P.S. Case No.854 of 2022 registered for the offence under
Sections 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.10.2022.

The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons and while
committing so taken away loaded truck with coal, which was in
possession of 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, in furtherance of which, no incriminating material recovered/surfaced, which may 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.

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 confessional statement nothing incriminating recovered/surfaced to connect petitioner, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.10.2022, let above named petitioner is directed to be released on bail in connection with Barachatti P.S. Case No.854 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 Additional Chief Judicial Magistrate-



II, cum Sub-Judge IT Sheghati (Gaya)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

