

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33781 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- KARAKAT District- Rohtas

Gobradhan Yadava Son Of Kamta Yadav @ Kamta Singh Resident Of Village
- Tenuwa, P.S. - Karakat, Distt. - Rohtas.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 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 Karakat
P.S. Case No. 158 of 2022 registered for the offence under
Sections 307, 379 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.12.2022.

The allegation against the petitioner is to commit theft
in the shop of informant and while committing so taken away
jewelleries made up of gold and silver, costing about Rs. 15
lacs, where after occurrence co-accused persons was chased by



the informant where firing was made to stop him.

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, Biklash Choudhary @ Mithilesh Choudhary, where in furtherance of, no incriminating material recovered/surfaced to connect petitioner *prima facie* with the present occurrence. It is further submitted that petitioner was not put on TIP as yet. It is further submitted that it is clear from the narration of FIR that firing was not made intentionally to cause death, and as such, Section 307 of the Indian Penal Code is not appears to be applicable in this case, on its face. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail and, moreover, investigation of this case is 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 and by taking note of the fact, as no incriminating material recovered/surfaced during the course of investigation, in furtherance of confessional statement of co-accused to



incriminate petitioner *prima facie* with the present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.12.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Karakat P.S. Case No. 158 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 A.C.J.M., Bikramganj, District-Rohtas/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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