

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34614 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Raju Prasad @ Shambhu @ Sambhu Chaurasiya @ Shambhu Chaurasiya Son
Of Shiv Pujan Prasad Resident Of Village- Bahaura, Ps- Dildar Nagar, Distt-
Gajipur, Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 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 Gaya
Rail P.S. Case No.379 of 2022 registered for the offence under
Section 394 and later on Sections 395, 397 and 412 of the
Indian Penal Code were added.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 25.09.2022.

4. The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons and while
committing so taken away cash of Rs. 1,45,000/- and mobile
belongs to the informant. It is further alleged that physical
assault was caused by petitioner using the butt of the pistol to



the informant and others.

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 Abhay Kumar Sagar, where in furtherance Rs. 12,000/- cash was shown to be recovered from the possession of this petitioner, which infact is the cash of petitioner and it cannot be said that it is looted cash, in want of details and denominations as same is not available through F.I.R. It is also pointed out that petitioner was not put on T.I.P., as yet. While concluding the argument, it is submitted that petitioner found involved in 6 more criminal cases, 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.

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 alleged recovered cash from this petitioner cannot be connected, *prima facie*, with the alleged looted cash in want of details and denominations coupled with the fact that charge-sheet has already submitted, where petitioner is in



custody since 25.09.2022, accordingly petitioner, above named, is directed to be released on bail in connection with Gaya Rail P.S. Case No.379 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 Judicial Railway Magistrate, Gaya/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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