

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34051 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- LAKHNAUR District- Madhubani

Om Prakash Yadav Son of Dev Prasad Yadav Resident of Village - Navtol,
P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, 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 Lakhnaur
(RSOP) P.S. Case No. 80 of 2022 giving rise to G.R. No. 840 of
2022 registered for the offence under Section 392 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 10.10.2022.

The allegation against this petitioner is to commit
robbery alongwith other co-accused persons, while committing
so taken away cash of Rs. 1,18,847/-, which was in possession
of informant at the time of occurrence.



Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Dev Krishna Yadav, where in furtherance of no incriminating material recovered/surfaced to connect petitioner with present occurrence of robbery. It is submitted that petitioner was not put on TIP, as yet. It is submitted that said co-accused Dev Krishna Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 28602 of 2023 vide order dated 24.05.2023. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already 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 save and except confessional statement of co-accused, nothing incriminating appears against this petitioner to connect him with present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.10.2022, accordingly the petitioner, above named, is directed



to be released on bail in connection with Lakhnaur (RSOP) P.S.
Case No. 80 of 2022 giving rise to G.R. No. 840 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 Magistrate-I, Class, Jhanjharpur,
Madhubani/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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