

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38485 of 2023

Arising Out of PS. Case No.-110 Year-2022 Thana- GHOGHARDIHA District- Madhubani

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

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Ghoghardiha P.S. Case No.110 of 2022 registered for the
offences punishable under Section 394 of the Indian Penal Code
and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is not named in the FIR and
is in custody since 11.10.2022.

4. Allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away cash of Rs.10,000/- and one mobile
belongs to the informant and others.

5. It is submitted by learned counsel that name of
petitioner surfaced during the course of investigation out of



confessional statement of co-accused, namely, Krishnadeo Yadav @ Krishna Yadav @ Dev Krishna Yadav @ Rudal Yadav and thereafter, this petitioner was remanded to this case from Phulparas P.S. Case No.411 of 2022. It is submitted that after said case, petitioner was remanded in same manner in two more criminal cases, where he is on bail. Learned counsel also pointed out that said co-accused, namely, Krishnadeo Yadav @ Krishna Yadav @ Dev Krishna Yadav @ Rudal Yadav has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No.17606 of 2023. It is submitted that the petitioner was not put on Test Identification Parade. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except confession, nothing incriminating appears against this petitioner as to connect him *prima facie* with present occurrence of robbery, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 11.10.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No.110 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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