

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38626 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- PATRAKARNAGAR District- Patna

Gaurav Kumar @ Rishu Son Of Baidya Nath Choudhary Resident Of
Mohalla - Sakri Road, Albaxapura, Thakurbari, Police Station - Alamganj,
District - Patna

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Patrakar Nagar P.S. Case No. 469 of 2022 registered for the
offence under Section 395 of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 24.09.2022.

5. The allegation against the petitioner is to commit
dacoity alongwith unknown co-accused persons and while
committing so taken away cash of Rs. 50,000/-, ornaments made
up of gold and silver and three mobile phones belongs to



informant.

6. 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, Sonu Kumar, where in furtherance of which no incriminating material appears to be surfaced/recovered, which may incriminate this petitioner, *prima facie*, with present occurrence of dacoity. It is further submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except suspicion arises out of confessional statement no incriminating material appears during the course of investigation to connect petitioner, *prima facie*, with present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



24.09.2022, accordingly, above named petitioner is directed to be released on bail in connection with Patrakar Nagar P.S. Case No. 469 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna/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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