

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39084 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Prashant Kumar S/o Ajay Kumar Chaudhary R/O Village- Pipra Asli, P.O And
Ps. Sahebganj, Dist. Muzaffarpur

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 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
Kuchaikote P.S. Case No. 87 of 2023 registered for the offence
under Sections 399, 402, 412/34 of the Indian Penal Code and
Section 25(1-b)a, 26, 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.02.2023.

The allegation against the petitioner is to involve in
preparation for dacoity alongwith other co-accused persons,
where some co-accused persons were alleged to be found in
possession of knife and firearms.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of disclosure made by co-accused, namely, Banti Pandey, where petitioner appears to be arrested from different place, not from the spot. It is submitted that save and except disclosure as made by co-accused Banti Pandey, nothing surfaced during the course of investigation, which may connect petitioner with present preparation for committing dacoity. It is submitted that no incriminating materials recovered from the possession of this petitioner suggesting allegation. It is also submitted that similarly situated co-accused, namely, Prem Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 25541 of 2023 dated 23.05.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 as save and except disclosure of co-accused, nothing incriminating material appears during the course of investigation to connect petitioner *prima facie* with the present



allegation of preparation for committing dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Kuchaikote P.S. Case No. 87 of 2023 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. I, Gopalganj/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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