

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38191 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

Upendra Yadav Son Of Shiv Balak Prasad Yadav @ Shivbalak Ray Resident
Of Village - Rup Chhapra, P.S. - Sahebganj, Distt. - Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 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 Chakia
P.S. Case No. 213 of 2022 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.10.2022.

The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons, while committing
so looted 7 Kg of gold made ornaments, 50 Kg of Silver made
ornaments and 60,000/- cash from the jewellery shop of the
informant. It is further alleged that firearm injury was caused to



staffs of the shop and also indiscriminate firing was made during the course of occurrence.

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, Pankaj Kumar, where in furtherance of which no incriminating material recovered/surfaced to connect petitioner *prima facie* with present occurrence of dacoity. It is submitted that petitioner not put on TIP as yet. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail 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 self confession, no incriminating material recovered/surfaced from petitioner to connect him *prima facie* with the present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.10.2022, accordingly, petitioner above named, is directed to be released on bail in



connection with Chakia P.S. Case No. 213 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
Chief Judicial Magistrate, Motihari, East Champaran/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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