

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42147 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- KUMAR KHAND District- Madhepura

Baua Yadav @ Shashi Kumar S/O Sita Ram Yadav resident of village-
rampatti, ward no.- 7, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Kumarkhand P.S. Case No. 331 of 2021 registered for the
offence under Sections 392/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.02.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons, and, while
committing so, taken away cash of Rs. 3,60,270/- and mobile
phone belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner implicated in this case falsely for the reason that his name surfaced on the basis of confessional statement of co-accused, namely, Gautam Kumar, in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is further submitted that no TIP of petitioner was conducted, as yet. It is also submitted that petitioner found involved in three (3) more criminal cases of similar nature, where his name surfaced on the basis of confessional statement as of the present case. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner was not named in the FIR.

In view of the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced from petitioner, where his name surfaced on the basis of confessional statement coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kumarkhand P.S. Case No.



331 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Madhepura/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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