

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51159 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- RAHIKA District- Madhubani

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DASHRATH SAH @ DASRATH SAH SON OF RAM BABU SAH R/O
VILLAGE- BEHTA, P.S.- KHAJAULI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 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 Rahika
P.S. Case No. 57 of 2021 registered for the offence under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.05.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and also to make
firing while committing so and further to taken away cash of Rs.



5,98,200/- belongs to the informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the present FIR and name of the petitioner surfaced during course of investigation, on the basis of confessional statement of co-accused, namely, Laxman Sah, where, in furtherance thereof, no incriminating material surfaced/recovered, during course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence. It is also submitted that said co-accused, Laxman Sah, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 10090 of 2022 dated 01.02.2023. It is also pointed out that no TIP was conducted, as yet. While concluding the argument, it is submitted that petitioner is involved in 06 more cases, where, he is on bail in 05 cases, where, in maximum of cases, name of this petitioner surfaced on the basis of confessional statement of co-accused, as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.



Considering the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered, during course of investigation in furtherance of confessional statement to connect petitioner, *prima facie*, with the present set of occurrence 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 Rahika P.S. Case No. 57 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 J.M.-Ist, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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