

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61846 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Chandrika Yadav S/o Late Ratan Yadav R/V- Bhushi Tola, P.S.-
Raghunathpur, Distt- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
	:	Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 14-02-2023 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Raghunathpur P.S. Case No. 04 of 2022 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution, on 08.01.2022 at around 2:00 A.M., eight unknown persons trespassed in the house of the informant and on hearing some noise, the informant along with his daughters objected to these persons, who were trying to flee

away and during that course, they took away a cash of Rs. 70,000/- along with some ornaments. It is further alleged that when the informant's daughter protested, miscreants assaulted the informant and his daughter and fired upon them.

The main submissions advanced by learned senior counsel Mr. Ajay Kumar Thakur appearing for the petitioner are that the FIR was lodged against eight unknown persons and the petitioner was not put on *Test Identification Parade* after his arrest in the present matter and the police mainly relied upon the evidence of *Dog Squad* which has no evidential value as per the settled principles of evidence law and two co-accused persons namely Abhay Kumar and Sanjeet Kumar have been granted bail by a co-ordinate Bench of this Court and the petitioner has been languishing in jail since 28.01.2022 and against him, the investigation has been completed.

Learned APP Mr. Surendra Prasad Singh appearing for the State has opposed the bail prayer.

Having considered the seriousness of the allegations which relate to *dacoity* and attempt to murder allegedly committed by eight unknown persons by using fire-arms and during the investigation in following with the disclosure statement made by this petitioner, the fire-arm namely *pipe-gun*

was recovered from the house of this petitioner as reflects from the order of Court below, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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