

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61516 of 2022

Arising Out of PS. Case No.-35 Year-2014 Thana- GURUA District- Gaya

Sanjay Yadav @ Sanjay Kumar Son Of Late Alakhdeo Yadav R/O Village-
Saho Bigha, P.S.- Ghosi, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Gurua P.S. Case No. 35 of 2014 registered for the offences punishable under Section 395 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant alleged that six unknown persons intercepted him, when he was going to *Gaya* for marketing by his *Alto* car. It is further alleged that these persons fired on the front tyres of his car and looted Rs.



1,50,000/- cash and jewellery worth Rs. 1,50,000/-.

The main submissions advanced by petitioner's counsel are that the FIR was lodged against six unknown persons and against the petitioner, there is criminal antecedent of only one case and during the investigation, the name of the petitioner surfaced in the confessional statement of co-accused Rakesh Kumar @ Lulha, who has been granted bail by the trial Court and other co-accused person namely, Ravi Ranjan @ Chhotu has also been granted bail by this Court vide order passed in Cr. Misc. No. 8177/2022 and after petitioner's arrest, the police failed to recover any part of the looted articles from his conscious possession and accordingly, there is no any legal evidence against the petitioner. Further submission is that the petitioner has been languishing in jail since 17.06.2022 and he was not put on *Test Identification Parade* after his arrest in the present matter and he had no concern with any *Naxalite* group.

Learned APP appearing for the State has opposed the bail prayer but fairly accepted that from the possession of this petitioner, no incriminating material was recovered to connect him to the alleged occurrence and his name surfaced in the confessional statement of co-accused person namely, Rakesh Kumar @ Lulha.



In view of the facts, as stated above, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Gurua P.S. Case No. 35 of 2014.

(Shailendra Singh, J)

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