

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67627 of 2022

Arising Out of PS. Case No.-343 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Joyti Prakash Kushwaha @ Jyoti Prakash Kushwaha Son of Manan Singh
R/O Village- Chausa Bazar, P.S.- Buxar (m), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanhaiya Jee Tiwari, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 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 Buxar
Muffasil P.S. Case No. 343 of 2022 registered for the offence
under Sections 399, 402, 414 and 120(B) of the Indian Penal
Code (for short 'I.P.C.') and under Sections 25(1-B)a, 26 and 35
of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.08.2022.

The allegation against the petitioner is to involve in
preparation for dacoity alongwith other co-accused persons and
while preparing so, found in possession of one country-made



pistol alongwith two live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that maximum allegation, what appears on the face of F.I.R. against this petitioner, is of Arms Act for the reason that nothing surfaced during the course of investigation, which may suggest that involvement of petitioner is of such nature, which may suggest that he was involved in preparation for dokoity. It is submitted that co-accused Ram Babu Mahto has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 61531 of 2022 vide order dated 08.02.2023 with a direction to released the petitioner after framing of charge, facing similar allegation. While concluding the argument, it has been submitted that petitioner found involved in one criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material appears during the course of investigation to suggest the involvement of petitioner on its face, *qua*, preparation for dokoity 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 Buxar Muffasil P.S. Case No. 343 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, Buxar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

