

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63587 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- KUMAR KHAND District- Madhepura

Boua Yadav @ Shashi Kumar Son of Sri Sitaram Yadav R/O Village-
Rampatti, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 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
Kumarkhand P.S. Case No. 295 of 2021 registered for the
offence under Sections 307 and 34 of the Indian Penal Code (for
short 'I.P.C.') and under Section 27 of the Arms Act. Later on
under Section 393 of the I.P.C. was added on 08.04.2022.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.05.2022.

The allegation against the petitioner is to made an
attempt to commit robbery alongwith other co-accused persons
and while committing so fired upon informant causing firearm



injuries on his right shoulder.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Gautam Kumar, in furtherance of which no incriminating material recovered/surfaced during the course of investigation to connect this petitioner with present set of occurrence. It is further submitted that petitioner is not put on TIP, as yet. It is further pointed out that petitioner also found involved in three cases, where he is on bail. It is also submitted that similarly situated co-accused person, namely, Mantosh@Bengwa has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 39866 of 2022 vide order dated 24.11.2022. While concluding the argument, it has been submitted that investigation has been completed, 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, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as no incriminating material recovered/surfaced, in furtherance of confessional



statement of co-accused, from this petitioner to connect him with 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 Kumarkhand P.S. Case No. 295 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-II, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

