

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74277 of 2022**

Arising Out of PS. Case No.-177 Year-2021 Thana- PATEPUR District- Vaishali

Abhishek Kumar Yadav @ Hanni Yadav Son Of Manoj Kumar Yadav R/O
Village- Bikrampur Bande (Magardahi), P.S.- Mufasil, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 22-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Patepur
P.S. Case No.177 of 2021 registered for the offence under
Sections 395 and 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.04.2022.

The allegation against the petitioner is to commit
dacoity in the jewellery shop of informant alongwith other co-



accused persons and while committing so taken away total cash of Rs.21,000/- (Rupees Twenty One Thousand) and also several ornaments made up of gold and silver.

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 Ajit Kumar, in furtherance of which no incriminating material recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of dacoity. It is further submitted that said co-accused, namely Ajit Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 9305 of 2022 vide order dated 18.04.2022. It is also submitted that petitioner was not put on T.I.P. as yet. While concluding the argument, it is submitted that petitioner found involved in eight more criminal cases, where he is on bail in seven cases and in maximum of cases his name surfaced on the basis of confessional statement 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 appearing on behalf of the State, while



opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned above as no incriminating material recovered/surfaced during the course of investigation, to connect petitioner, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Patepur P.S. Case No.177 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 Judicial Magistrate, I Class, Vaishali at Hajipur/concerned court, subject to the conditions as under :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(ii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J.)

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