

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65889 of 2022

Arising Out of PS. Case No.-174 Year-2020 Thana- MALSALAMI District- Patna

KARAN KUMAR @ KARAN CHAUDHARY SON OF VIJAY
CHAUDHARY R/O VILL.- SABARCHAK HATA (DURGA MANDIR
LAIN), P.S.- MALSALAMI, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate Mr. Amrendra Kumar, Advocate Mr. Dinesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Malsalami P.S. Case No. 174 of 2020 registered for the offence under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.09.2022.

The allegation against the petitioner is to commit dacoity and while committing so, fired on the leg of the informant, namely, Avinash Kumar, where firearm injury was



caused on his leg and also taken away approximately Rs. 10 - 11 lac, kept inside black colour bag belongs to informant.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced, during course of investigation, on the basis of confessional statement of one Niraj Kumar, in furtherance thereof, no incriminating material recovered/surfaced, which may connect this petitioner, *prima facie*, with the present set of occurrence of dacoity. It is also submitted that no TIP was conducted, as yet, in this matter. Learned counsel further pointed out that similarly situated co-accused, namely, Awdesh Yadav, has already been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 16636 of 2022 dated 16.06.2022. While concluding the argument, it is submitted that petitioner found involved in 03 more cases, where, he is on bail 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, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating material recovered/surfaced,



during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence of dacoity 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 Malsalami P.S. Case No. 174 of 2020, 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 Sessions Judge-III, Patna City/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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