

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67659 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- PATEPUR District- Vaishali

Abhishek Yadav @ Hanni Yadav @ Abhishek Kumar Yadav Son of Manoj Kumar Yadav Resident of Villlage- Bikrampur, Bande (Magardahi), P.S.- Muffasil, 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. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 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 Patepur P.S. Case No. 179 of 2021 registered for the offence under Sections 399 and 402 of the Indian Penal Code and 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 04.04.2022.

The allegation against the petitioner is to involve in preparation for dacoity alongwith other co-accused persons, where fire arms were recovered from the possession of other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by apprehended co-accused persons. It is further submitted that in furtherance of said disclosure, no incriminating material recovered/surfaced, which may incriminate petitioner with present occurrence of preparation for dacoity. It is also submitted that no TIP was conducted, as yet. Learned counsel further pointed out that the name of petitioner involved in present case only due to his criminal antecedents, as he found involved in 08 cases, where he is on bail in 05 cases, where in most of the cases his name surfaced either on the basis of disclosure or on the basis of confessional statement. It is also submitted that the similarly situated co-accused persons, namely, Ajit Kumar and Abdul Gaffar have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 63323 of 2021 vide order dated 15.04.2022 and Cr. Misc. No. 72271 of 2021 vide order dated 08.06.2022 respectively. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced during the course of investigation to connect petitioner, *prima facie*, with present preparation for dacoity, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patepur P.S. Case No. 179 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, III, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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