

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70229 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- BAKHTIYARPUR District- Patna

BIKASH KUMAR S/O LAKSHMAN RAM Resident of village- Ranisarai,
P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 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 Bakhtiyarpur P.S. Case No.103 of 2021 registered for the offence under Sections 399, 402 and 412 of the Indian Penal Code and Section 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 04.06.2021.

The allegation against the petitioner is found involved in preparation for dacoity along with other co-accused persons and while preparing so, found in possession of Rs. 11,000/- alleged to be looted, on previous occasion.



Learned counsel appearing on behalf of the petitioner submitted that no incriminating material recovered from this petitioner and mere on the recovery of Rs. 11,000/- which belongs to this petitioner, petitioner cannot be connected with the allegation as he was involved in preparation for dacoity. It is pointed out that similarly situated co-accused person has already granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 1778 of 2022 dated 26.04.2022. It is also pointed out by learned counsel that as petitioner found involved in one criminal case, out of said suspicion, this petitioner implicated in the present case also. While concluding the argument, it is submitted that nothing incriminating surfaced/recovered, during course of investigation, which may suggest that this petitioner was involved in preparation for dacoity along with other co-accused persons and moreover, investigation of this case has been completed, for which, charge-sheet has already 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 no incriminating material appears to be recovered



from petitioner, which may suggest, *prima facie*, that he was involved in preparation for dacoity coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No.103 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 A.D.J. Vth, Barh, Patna/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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