

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68833 of 2022**

Arising Out of PS. Case No.-518 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Sadam @ Md. Saddam S/o Md. Sonu R/o Village- Purabtola,
Mojahidpur, P.S.- Mojahidpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

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

3 09-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with
Bhagalpur Kotwali (Tilakmanjhi) P.S. Case No. 518 of 2022
registered for the offence under Section 392 of the Indian Penal
Code (in short I.P.C.), subsequently, sections 395 and 412 of the
I.P.C. and Sections 25(1-b)A, 26 and 35 of the Arms Act was
added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.07.2022.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away 29.522 kilo-grams of silver belongs



to informant, where Section for dacoity was also subsequently added.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely as his name surfaced during the course of investigation on the basis of confessional statement of co-accused Md. Sahnawaz Ali. It is submitted that said co-accused Md. Sahnawaz Ali has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 59050 of 2022 vide order dated 22.02.2023. It is also submitted that petitioner was not put on TIP, as yet and also no incriminating material recovered from his possession. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has already been submitted and, 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 save and except confessional statement of co-accused, namely, Md. Sahnawaz Ali nothing incriminating surfaced against this petitioner 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 Bhagalpur Kotwali (Tilakmanjhi) P.S. Case No. 518 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/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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