

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72019 of 2022

Arising Out of PS. Case No.-11 Year-2020 Thana- JANDAHA District- Vaishali

Babloo Kumar @ Babla @ Bablu, Son of Shiv Kumar @ Shiv Kumar Singh,
R/V- Mathurapur Garahi, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 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 Jandaha
P.S. Case No. 11 of 2020 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 18.05.2022.

The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons and while
committing so taken away Bolero Pick UP vehicle loaded with
medicines while on way of Patori from Patna, mobile, bag
containing papers of medicines and money having with



informant.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused persons, namely, Awadhesh Singh and Pappu Kumar, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation which may connect petitioner, *prima facie*, with the present occurrence of dacoity. It is also pointed out that petitioner was not put on TIP as yet. It is also submitted that similarly situated co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 22.01.2022 passed in Cr. Misc. No. 35013 of 2020. While concluding the argument, it is submitted that petitioner found involved in one case, where he is on bail and moreover, 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, while opposing the prayer of bail fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material appears to be recovered from the possession of this petitioner to connect, *prima facie*,



with the present 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 Jandaha P.S. Case No. 11 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 Sub-Divisional Judicial Magistrate, 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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