

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73757 of 2022

Arising Out of PS. Case No.-86 Year-2017 Thana- MEHANDIGANJ District- Patna

=====

Sagar Yadav @ Sagar Kumar @ Vikash @ Thakur S/O Sunil Yadav @ Sunil Kumar Yadav Resident of Village- Nirankar Bhawan, Morcha Road, Mathanital Road, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 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 Mehandiganj P.S. Case No. 86 of 2017 registered for the offence under Sections 341/323/307/395/427 of IPC and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 04.01.2020.

The allegation against the petitioner is to commit dacoity alongwith other unknown persons and while committing so fired upon one of the employees of the Petrol Pump causing



firearm injuries and also taken away cash of Rs. 50,000/-, computers and CCTV machine etc.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of self-confession during the course of investigation in furtherance of which no incriminating material recovered/surfaced, which may connect petitioner, *prima facie*, with the present occurrence of dacoity. It is further pointed out that as petitioner found involved in 10 more criminal cases where he is on bail in 09 cases, the petitioner was named in this case also out of suspicion arises out of his criminal antecedents, where in maximum of case his name surfaced due to self-confession/confessional statement of co-accused, as of the present case. It is also submitted that petitioner was not put on TIP, as yet. 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, and by taking note of the fact as no incriminating material surfaced/recovered to connect petitioner, *prima facie*,



with the present occurrence of 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 Mehandiganj P.S. Case No. 86 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City, Distt-Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions as:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

