

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2538 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- DAUDNAGAR District- Aurangabad

MAHABIR YADAV Son of Late Ram Bilash Yadav R/o Village - Bhagwan
Bigha, P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-06-2023 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
Daudnagar P.S. Case No. 115 of 2022 registered for the offence
under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.04.2022.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, taken away cash and mobile of the informant
and also alleged to cause physical assault.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner falsely implicated in present case,
where his name surfaced out of self confession, while



apprehended in Obra P.S. Case No. 98 of 2022, where, in furtherance of, no incriminating material was recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of robbery. It is submitted that petitioner was not put on TIP, as yet. It is also submitted that similarly situated co-accused person, namely, Rajendra Prasad has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 51329 of 2022 dated 16.02.2023. While concluding the argument, it is pointed out that petitioner found involved in 04 more criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except self confession, no incriminating material recovered/surfaced, during course of investigation, which may connection this petitioner, *prima facie*, with the present occurrence of robbery coupled with the fact that charge-sheet has been submitted, where, petitioner is in custody since



30.04.2022, let the petitioner, above named, is directed to be released on bail in connection with Daudnagar P.S. Case No. 115 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 S.D.J.M., Daudnagar, Aurangabad/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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