

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35099 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- GAYA MUFASIL District- Gaya

Jitendra Kumar Son of Upendra Yadav @ Upendra Kumar Yadav Resident of
Village - Tapsi, P.S. - Mufassil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with Muffasil

P.S. Case No. 276 of 2023 registered for the offences

punishable under Sections 394 of the Indian Penal Code.

3. The allegation against the petitioner is to

commit robbery alongwith other co-accused persons and

while committing so looted cash of Rs. 7,000/-, ATM Card,

PAN Card and mobile etc., belongs to informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that as per narration of FIR, when informant was in police station as to lodge case against the present occurrence at that moment an arrested person named Nitish Kumar was brought to police station in connection with some mobile theft case from village Sanaut, whom informant identified as same person who looted him. It is pointed out that during preliminary investigation at police station apprehended co-accused Nitish Kumar failed to name this petitioner and for that reason petitioner not named in FIR. Later on during the course of investigation said co-accused Nitish Kumar named this petitioner in his confessional statement before police, in furtherance of which no incriminating recovered/surfaced, till now, from petitioner as to connect him, *prima facie*, with the present occurrence of robbery. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

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

6. In view of the facts and circumstances and by taking note of the fact as save and except suspicion nothing



incriminating appears against this petitioner, where named co-accused failed to name this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya/concerned Court below where the case is pending in connection with Muffasil P.S. Case No. 276 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

