

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42400 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- BARAHAT District- Banka

Kaju Yadav @ Kaju Kumar Yadav son of Arvind Yadav Village- Ghutia Ps-
Rajoun Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Barahat P.S. Case No.226 of 2023 registered for the

offences punishable under Section 394 of the Indian Penal

Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR

and is in custody since 20.01.2024.

4. Allegation against the petitioner is to commit

robbery along with other co-accused persons and while

committing so, assaulted the informant and also taken away

his motorcycle.



5. It is submitted by learned counsel that the name of petitioner has been surfaced in present case during the course of investigation on the basis of confessional statement of apprehended co-accused person namely Bugga Yadav @ Bobby Kumar who has already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 43482 of 2024, where in furtherance of same, no incriminating material has been recovered/surfaced, which may connect this petitioner with present occurrence of robbery. It is pointed out that petitioner found involved in nineteen more criminal cases and on the basis of suspicion arises out of those criminal antecedents, the petitioner also falsely implicated with present case without having any connecting evidence. It is submitted that in maximum of criminal cases, the name of petitioner surfaced out of confessional statement as of the present case. It is submitted that despite of the claim of informant, petitioner was not put on TIP. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such,



there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions, as name of petitioner appears to be involved in present case out of suspicion only arises from confessional statement of co-accused without recovery of any incriminating materials, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.01.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No.226 of 2023 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in similar nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of



bail bond of the petitioner.

(ii) That petitioner shall co-operate 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.

(Chandra Shekhar Jha, J.)

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