

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70035 of 2024

Arising Out of PS. Case No.-854 Year-2022 Thana- BARACHATTI District- Gaya

Dilip Yadav @ Mukhiya Son of Late Kesho Yadav Resident of Village-
Durjankhap, PS- Mohanpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Barachatti P.S. Case No. 854 of 2022 registered for the
offence under Section 395 of the Indian Penal Code.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 29.01.2024.

4. The allegation against the petitioner is to
commit dacoity alongwith other co-accused persons and
while committing so taken away loaded truck with coal,
which was in possession of informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of petitioner surfaced



during the course of investigation on the basis of confessional statement of co-accused Saurabh Kumar @ Guddu Kumar, in furtherance of which, no incriminating material recovered/surfaced, which may connect petitioner, *prima facie*, with the present occurrence of dacoity. It is further submitted that co-accused Saurabh @ Guddu has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 3246 of 2023 vide order dated 21.04.2024. It is also submitted that petitioner was not put on T.I.P., as yet. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence. It is further submitted that one of the reason for false implication of this petitioner with present case is his criminal antecedent as he found involved in five more criminal cases, where his name appears on the basis of confessional statement of co-accused as of present case, having otherwise no evidentiary value under law.



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

7. In view of the facts and circumstances as mentioned above as save and except confessional statement of co-accused nothing incriminating recovered/surfaced to connect petitioner, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.01.2024, accordingly above named petitioner is directed to be released on bail in connection with Barachatti P.S. Case No. 854 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 Additional Chief Judicial Magistrate-II, Sheghati (Gaya)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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