

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5169 of 2025

Arising Out of PS. Case No.-265 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Md. Heeru @ Heerwa @ Md. Heerwa @ Heeraba S/O Late Md. Salauddin @
Late Sahabuddin Resident Of Village- Bhikhanpura Jhoparpatti, Gumati no. 3,
P.S- Ishakchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 265 of 2023 registered for the offence under Section 392 of the I.P.C.

3. The petitioner is not named in the F.I.R. and is in custody since 12.10.2023.

4. The allegation against the petitioner is to commit robbery alongwith other co-accused persons and while committing so, looted a mobile phone belongs to the informant.

5. Learned counsel appearing on behalf



of the petitioner submitted that the name of petitioner transpired during the investigation on the basis of confessional statement of co-accused Md. Fateh Alam, in furtherance nothing incriminating appears to be recovered/surfaced during the investigation as to connect petitioner *prima-facie* with present occurrence of robbery. It is further submitted that said co-accused Md. Fateh Alam has already granted bail through Cr. Misc. No. 70953 of 2024 dated 22.11.2024. It is pointed out that petitioner was not put on TIP. It is submit that one of reason for implicating accused petitioner with alleged robbery was suspicion arising of his criminal antecedents also as petitioner found involved in 17 cases, where in maximum of cases his name transpired on the basis of confessional statement, as of the present case having otherwise no evidentiary value under law. In this context it is further submitted that the prayer of bail of petitioner cannot be refused on



the sole ground of criminal antecedents if merit of the case otherwise appears convincing in favor of petitioner.

6. In support of his submission, learned counsel for the petitioner relied upon legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648***. While concluding the argument, it is 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.

7. Learned APP opposes the prayer of bail.

8. In view of aforesaid factual submission and save and except suspicion arising out of confessional statement of co-accused nothing *prima-facie* appears incriminating during course of investigation as to connect petitioner with present crime in



question, coupled with fact that investigation has already been completed where petitioner is in custody since 12.10.2023, accordingly petitioner above named, is directed to be released on bail in connection with Naugachia P.S. Case No. 265 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-I, Naugachia, Bhagalpur/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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