

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18323 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- MOKAMAH District- Patna

Sharwan Yadav S/O Ramlal Yadav R/O Village- Basantpur, P.S- Lodipur,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-03-2025 Heard Mr. Rajesh Kumar Sinha, learned counsel for the
petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Mokama P.S. Case No. 68 of 2024 instituted for the offence
under Sections 395 & 397 of the Indian Penal Code.

3. Prosecution case in short is that truck driver on
02.03.2024, while returning from Chhapra, was accosted with
seven armed miscreants who were in a white Scorpio, who have
assaulted him, and hijacked the vehicle. Miscreants also robbed
him of Rs.45,000/- and a mobile phone before abandoning him
and his assistant near a railway bridge.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 19-12-2024. Petitioner



bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of his self-confessional statement, which has no evidentiary value in the eye of law. There is no recovery of incriminating material from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C., but it been shown in the seizure list that truck in question is recovered from the petitioner's possession, at the instance of police party. In fact, neither truck was recovered from possession of the petitioner nor he was apprehended from seized truck. Petitioner is not even put on T.I. Parade. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to impugned order, it is submitted that it is the petitioner from whom there is recovery of truck in question and he has confessed his guilt in his confessional statement.

7. Considering the aforesaid facts and circumstances of the case, there being recovery of truck from the possession of



the petitioner, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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