

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41981 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- Madhusudanpur District- Bhagalpur

Ashish Yadav @ Suraj Kumar, S/o Shyaram Yadav, Resident of Village-
Gonudham, Dhor, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Madhusudanpur P.S. Case No.103 of 2024 registered for the offences punishable under Sections 309(4), 317(2) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 23.07.2024.

4. As per FIR, the petitioner along with other co-accused persons committed robbery in the shop of one Sanjeev Kumar Sah, where upon information, the S.H.O. Madhusudanpur, District-Bhagalpur lodged the present FIR



being an informant.

5. It is submitted by learned counsel appearing for the petitioner that FIR was not lodged by the victim rather it was lodged by S.H.O. out of his personal knowledge. It is submitted that after alleged occurrence, one Vikash Kumar was arrested by police, who disclosed the name of this petitioner and, thereafter, cash of Rs.25,000/- was said to be recovered from possession of this petitioner. It is pointed out that in want of details and denominations of looted cash, the recovered cash from the possession of petitioner cannot be connected or to be said as looted money. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

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

7. In view of aforesaid factual submissions and by taking note of fact as the name of petitioner transpired on the



basis of disclosure of apprehended co-accused Vikash Kumar, where the alleged recovered cash cannot be said *prima facie* as looted cash in want of details and denominations, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 23.07.2024, 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 Judicial Magistrate-1st Class-cum-A.M.-VII, Bhagalpur in connection with Madhusudanpur P.S. Case No.103 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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