

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64077 of 2025

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

Mithun Yadav @ Prince @ Prince Kr. Son of Late Gopal Yadav Resident of village - Badi Mirzapur, Police Station - Kasim Bazar, District - Munger. Presently residing at village - Badi Jankipur, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Barahat P.S. Case No. 226 of 2023 registered for the offences punishable under Section 394 of IPC and Section 27 of the Arms Act.

3. The petitioner is not named in the FIR and is in custody since 18.02.2025.

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 six 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 18.02.2025, 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 Addl. District and Sessions Judge III, 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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