

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80514 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- PATEPUR District- Vaishali

Prabhat Kumar Rai @ Sonu Son of Maheshwar Rai Resident of Village-
Suapakar, Rupauli Buzurg, P.S.- Musarigharai, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Patepur P.S.
Case No. 177 of 2021 registered for the offences under Sections
395 & 412 of the Indian Penal Code.

3. The petitioner is not named in the First Information
Report and is in custody since 30.08.2024.

4. Allegation against the petitioner is to commit dacoity
in a jewelry shop of the informant along with other co-accused
persons and while committing so, taken away 60 pairs of silver
'Payal', gold chain of 11 grams, one mobile and total cash of Rs.
21,000/- (Rupees Twenty One Thousand only), which belongs to
the informant.

5. It is submitted by learned counsel appearing on behalf



of the petitioner that petitioner falsely implicated with the present case due to suspicion arising out of his criminal antecedent as he found involved in eleven (11) more criminal cases almost of similar nature. It is submitted that no T.I.P. of petitioner was conducted during course of investigation as to connect him with the present occurrence of dacoity. It is submitted that in the present case name of petitioner surfaced on the basis of confessional statement of Abdul Gaffar @ Suman @ Langra, where in furtherance of said confessional statement, no incriminating material appears recovered/surfaced during course of investigation against petitioner as to connect him *prima-facie* with the present occurrence of dacoity. It is pointed out that said co-accused Abdul Gaffar @ Suman @ Langra has already granted bail by this Court through Cr. Misc. No. 11816 of 2022 dated 30.08.2022.

6. It is also pointed out by learned counsel that in maximum of criminal cases, name of petitioner surfaced out of confessional statement as of present case having no evidentiary value under the law and, moreover, investigation of this case has already completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



8. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising out of confessional statement, nothing appears *prima-facie* incriminating as to connect petitioner with the present occurrence of dacoity, coupled with the fact that petitioner is in custody since 30.08.2024 and investigation of this case is completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, in connection with Patepur P.S. Case No. 177 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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