

Arising Out of PS.Case No. -153 Year- 2014 Thana -FATUHA District- PATNA

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Amit Prakash

For the Opposite Party/s : Mr. Madan Kumar(App)

3 29-10-2015

The learned counsel for the petitioners does not want

to press prayer for bail of petitioner no.1, namely, Raju Kumar Yadav as he has been granted bail on the ground of he being juvenile and as such prayer for bail of petitioner no.1 is hereby dismissed as not pressed.

Heard the learned counsel for petitioner no.2 as well
as the learned A.P.P.

The petitioner no.2 seeks bail in a case for the offences punishable under section 395 of the I.P.C

Allegedly, cash of Rupees One Crore with cash box of Union Bank of India was looted from the cash van when it was being driven from Patna to Jamui by white colour Bolero borne

miscreants and further single barrel gun of the Guard was also snatched away on the point of pistol and further snatched the mobile of the driver.

Submission is of false implication and that petitioner no.2 is in custody since 20.01.2015 and he has not been put on test identification parade. He has been arrested along with other co-accused in another case and thereafter confessional statement of the petitioner and other co-accused have been recorded which has got no evidentiary value in the eye of law. The amount recovered does not tally with the confessional statement as in the confessional statement it has come that each got Rupees eleven lakh cash and further there is nothing to show that the cash was the part of the looted amount, i.e. of Union Bank of India and as such petitioner no.2 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that on the basis of the confessional statement of this accused not only cash of Rs. 1,20,000/- was recovered but also two gold chain, one gold ring and gold covered rudraksh mala have also been recovered.

In the facts and circumstances as stated above, considering the alleged recovery on the basis of confessional statement of the petitioner, this Court is not inclined to enlarge petitioner no.2, namely, Guddu Kumar Rai on bail and

accordingly his such prayer stands rejected in connection with
Fatuha P.S. Case No. 153 of 2014 pending in the court of Shri
B.K. Mishra, J.M. 1st Class, Patna City.

(Jitendra Mohan Sharma, J)

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