

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31601 of 2016

Arising Out of PS.Case No. -195 Year- 2015 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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Tarun Kewat Son of Yadu Kewat resident of village - Ram Hari Pind,
Police Station Rajgir, District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Prasad

For the Opposite Party : Mr. Sri Kalyan Shankar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 17-09-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 395, 412 and 120 B of the I.P.C

Allegedly, in the house of the informant dacoity was
committed by unknown five miscreants, wherein cash of about
Rs.1,25,000/-, ornaments and mobiles were looted away and
during investigation the petitioner was arrested in Rajgir P.S. Case
No. 245 of 2015 registered under sections 399 and 402 of the
I.P.C. and sections 27 and 26 of the Arms Act and from his
possession looted mobile of this case was recovered and further on
the basis of his confessional statement amount of Rs. 97,000/- was
recovered from his house and further the petitioner confessing his
guilt has stated that he has sold the golden ring in the shop of one

Gayatri Jewelers.

Submission is of false implication and that after three months of the occurrence confessional statement of the petitioner has been recorded, there is no legal and tangible material, in the confessional statement it is not mentioned that the looted mobile was also given to the petitioner and as such the alleged recovery of mobile is not probable and reliable, the amount recovered was of the petitioner and not the looted amount, the petitioner has not been put on the test identification parade and as such the petitioner who is suffering in custody since 18.12.2015 deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by pointing out recovery of those articles.

In the facts and circumstances as stated above, considering that the looted mobile and cash have been recovered from possession of the petitioner and further he has sold the looted golden ring in the shop of one Gayatri Jewelers and as such I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Rajgir P.S. Case No. 195 of 2015 pending in the court of A.C.J.M-IV, Bihar Sharif, Nalanda.

(Jitendra Mohan Sharma, J)

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