

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35125 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -BANKA District- BANKA

Md. Kalam @ Nanajee son of late Sk. Jabbar, resident of village- Khariyara
P.S -Barahat, District Banka. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijnandan Prasad, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Banka P.S.
Case No.44 of 2015 registered under Sections 395, 397 and 412 of
the Indian Penal Code as well as Sections 3 and 4 of the Explosive
Substances Act.

It is submitted by the learned counsel for the petitioner
that co-accused Yogendra Sah and Nagmani Mandal @ Manish
Mandal having more or less identical allegation have already been
granted bail by different orders passed by different Benches of this
Court. It is also submitted that apart from confessional statement
of co-accused Nagmani Mandal @ Manish Mandal, there is no
other material to connect the petitioner with the alleged offence.

On the other hand, learned counsel for the State has

submitted that it is a serious case of bank dacoity in which Rs.11,84,196/- was looted away from Dudhari Branch of the State Bank of India at Banka. The miscreants had also fired on the employees of the bank and had hurled bomb outside the bank to scare the local people.

I have heard respective counsel for the parties and perused the materials available on record.

It would be evident from the impugned order passed by the learned Sessions Judge, Banka that the petitioner was one of the active participants in commission of the alleged dacoity. He has also received Rs.1.5 lakh as his share after commission of dacoity. In course of investigation, Rs.4,73,000/- was recovered from co-accused Nagmani Mandal @ Manish Mandal, who is said to have been released vide order dated 4.3.2016 passed in Cr.Misc. No.1874 of 2016. A web copy of the aforesaid order has been produced by the learned counsel for the petitioner. Let the same be kept on record.

Having considered the submissions advanced at the Bar and after going through the materials available on record, I am unable to persuade myself to grant bail to the petitioner considering the gravity of the offence, the manner in which the crime was committed and the role of the petitioner as alleged by

co-accused Nagmani Mandal @ Manish Mandal from whose house looted money was recovered.

Accordingly, the application for bail of the petitioner is rejected.

(Ashwani Kumar Singh, J)

Md.S./-

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