

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58338 of 2018

Arising Out of PS. Case No.-489 Year-2017 Thana- GARKHA District- Saran

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Bachcha Ray, Son of Sri Ramji Ray, Resident of Village- Bichli Badhar,
P.S.- Chapra Muffasil, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvdeo Singh

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-12-2018

Heard both sides.

The petitioner seeks bail in Garkha P.S. case No. 489 of 2017 registered under Section 397, 302 of the Indian Penal Code and under Section 27 of Arms Act.

The informant lodged the case against unknown for loot of cash van and murder of guard of cash van.

The learned counsel for the petitioner submits that during the course of investigation one Kundan Kumar is said to have confessed his guilt in paragraph 40 of the case diary but according to confession of Kundan Kumar the petitioner did not participate in the dacoity of cash van. Kundan Kumar disclosed that he took shelter in the house of petitioner after committing dacoity. The learned counsel further submits that there is absolutely no evidence against the petitioner to show participation of the petitioner in the alleged dacoity in cash van and murder of guard. The learned Sessions Judge referred paragraph 68 and 69 of case diary but in those paragraphs Santosh Mishra and Subhash Kumar, employees of the company, disclosed that they came to know about the occurrence and



involvement of the petitioner. Therefore, there is no tangible evidence to show the involvement of the petitioner in the alleged crime.

Mr. B. N. Pandey, learned APP, did not dispute these facts.

It appears that, of course, the offence appears to be of very serious in nature but police did not collect any tangible evidence to show the involvement of the petitioner in the alleged crime and save and except confession of the co-accused, who disclosed that petitioner gave shelter to Kundan Kumar in his house after the occurrence, there is no material against the petitioner.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the lime amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saran at Chapra in connection with Garkha P.S. case No. 489 of 2017.

(Prabhat Kumar Jha, J)

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