

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57454 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- SONBERSA District- Saharsa

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MUKESH YADAV Son of Ganesh Yadav Resident of Village- Arsi, Ward No. 9 (Maina), P.S.- Sonbersa Raj (Kash Nagar O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 11-12-2019 Heard learned counsel for the parties.

This application for regular bail arises out of Sonbersa Raj (Kash Nagar O.P.) P.S. Case No. 67 of 2019, disclosing offences punishable under Section 395 of the Indian Penal Code.

The petitioner is in custody since 20.05.2019. The First Information Report was registered against unknown with an allegation that the miscreants on the alleged date of occurrence on 17.05.2019 entered into a Petrol Pump Station and snatched cash, mobile phone and other articles. The petitioner is said to have confessed his guilt before the police in course of investigation.

Learned counsel appearing on behalf of the petitioner



has submitted that based on the said confessional statement and recovery of a sum of Rs. 5,500/- from his house, the petitioner has been implicated. He has submitted that the petitioner did not make any confessional statement before the police and he has been implicated solely because there are some criminal cases pending against him. He has relied on an order dated 01.10.2019 passed in Cr. Misc. No. 56768 of 2019, whereby similarly circumstanced co-accused Sanjay Singh has been allowed regular bail by this Court.

Learned Additional Public Prosecutor appearing on behalf of the State, on the other hand, has submitted, referring to the case diary that the petitioner confessed his active participation in commission of offence, giving detailed description of the manner in which the crime was committed. She contends that the booty was distributed among the miscreants and the petitioner confessed before the police to have taken a sum of Rs. 5,500/- as his share, which money was subsequently recovered by the police on the basis of his confessional statement, from his residence.

Considering the gravity of the offence and the manner it is alleged to have been committed coupled with the confession of the petitioner before the police leading to recovery of the



looted cash, I am not inclined to grant the petitioner privilege of regular bail at this stage. It is noteworthy that there are five criminal cases pending against the petitioner.

This application is, accordingly, dismissed.

The petitioner shall be at liberty to renew his prayer for bail after one year, if there is no substantial progress in the trial.

(Chakradhari Sharan Singh, J)

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