

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.4472 of 2020

Arising Out of PS. Case No.-541 Year-2018 Thana- JAKKANPUR District- Patna

SUJEET KUMAR @ SUJEET KUMAR RAI, aged about 32 years, Male, S/o
Late Satish Chandra Roy, R/o Village- Bathuwa Bujurg, P.S- Musari, District-
Samastipur ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Indra Mohan Kumar, Adv.

For the Opposite Party : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video
conferencing.

The petitioner seeks bail in connection with
Jakkanpur P.S. Case No. 541 of 2018, registered under Sections
363, 365, 420, 379, 328, 392, 302, 201, 414 and 34 of the Indian
Penal Code.

The accusation is that Ashok Sah, brother of the
informant, Shankar Kishore, resident of Jamin Mathia, P.S.
Meenapur, district Muzaffarpur, who use to work in Hyderabad
Building Construction Company, left Hyderabad on 05.11.2018
and on 06.11.2018 Ashok Sah talked through mobile at 09.20
p.m. on the mobile of his wife saying that he had come at Patna
and at present he is boarding in bus from Meethapur Bus Stand,
but, when he did not reach till late night, wife of Ashok Sah
called on mobile of her husband, but, his mobile was found
switched off, thereafter, family started search of Ashok Sah in
between Muzaffarpur and Patna and also went to Jakkanpur and



G.R.P. Police Stations, Patna, but, no trace was made out of Ashok Sah. In that course, it was also detected from the Automated Teller Machine (ATM) card of Ashok Sah the money has been withdrawn at Meethapur Bus Stand and purchasing was made from Govardhan Lal Rastogi Jewellery Pvt. Ltd., Biharsharif.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the first information report. It would appear from paragraph 18 of the case diary that investigating officer reached at the Jewellery Shop of Govardhan Lal Rastogi Jewellery Pvt. Ltd., Biharsharif, and showing the description of the Automated Teller Machine card of the deceased the shop keeper was asked to show the close circuit television camera footage, then, it was detected that on 17.11.2018 in between 10.00 to 11.00 a.m. four gold chains, worth Rs.1,45,007/-, were purchased by two persons from the Automated Teller Machine card of Ashok Sah. While attempt was made for identification of the aforesaid two persons, but, they could not be identified. The cash memo book also disclosed that one Ashok Kumar detailing forged mobile number, purchased the gold chains and the aforesaid forged mobile number, on verification, as detailed in paragraph 39 of



the case diary, was found in the name of Ashok Kumar, but, with ulterior motive, in paragraph 39 of the case diary, the investigating officer added the mobile number 6203416092 belonging to the petitioner without any rhyme and reason because the petitioner is accused in eight cases, as detailed in paragraph 3 of the petition and in seven cases he is on bail and in eighth case he has been acquitted. In the present case the petitioner is in custody since 13.11.2018 and on investigation the police has also submitted the charge sheet.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Jakkanpur P.S. Case No. 541 of 2018 to the satisfaction of the Additional Sessions Judge, XV, Patna, subject to the condition that out of two bailors, one must either be parent or close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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