

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20942 of 2021

Arising Out of PS. Case No.-230 Year-2018 Thana- DARIYAPUR District- Saran

Sumit Kumar Jamura @ Sumit Kumar @ Jamura, Male age about 25 years,
Son of Ashok Kumar, Resident of Village- Kuari Buzurg, P.S.- Ganga Bridge,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-11-2021 Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Anil Kumar Singh No. 1,
learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 230 of 2018 for the offence punishable under
Section 396 of the Indian Penal Code and Section 27 of the
Arms Act.

It has been alleged in the FIR that six unknown
persons alleged to have looted a cash of Rs. 2,82,000/- from the
pocket of the informant. In the said occurrence of *dacoity*, one
Jaleshwar Kumar, who was the Nozzle man of the said petrol
pump (Kisan Seva Kendrya Petrol Pump) died.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner have been implicated in this case on the confessional statement of co-accused Ankit Goswami @ Ankit Kumar Goswami @ Neerav Goswami @ Anit Goswami @ Neerabh Goswami, who has already been released on bail. He further submits that another co-accused Deep Sahni @ Dipak Sahni @ Deep Kumar Sahni has already been released on bail by order dated 06.01.2021 passed in Cr. Misc. No. 16932 of 2020. He further submits that during the pendency of the petition other co-accused has also been released on bail by this Court. He further submits that though the petitioner has several cases pending against him, but so far as the present case is concerned, he has falsely been implicated, therefore, he also be released and claims parity with other co-accused, who has been released on bail by this Court.

Learned counsel appearing on behalf of the State Mr. Anil Kumar Singh No. 1, relies upon several paragraphs of the case diary and particularly paragraph nos. 26, 27 and 28 in which the independent witnesses have seen the petitioner in commission of the alleged offence. He further submits that the criminal antecedent of the petitioner shows that his involvement in the present case, cannot be ruled out, as such, the petitioner is not entitled for the privilege of bail.



Having perused the FIR, case diary and the report sent by the learned 10th Additional Sessions Judge, Saran at Chapra, wherein in it appears that Ankit Goswami @ Ankit Kumar Goswami @ Neerav Goswami @ Anit Goswami @ Neerabh Goswami has two other criminal antecedent.

So far as the present petitioner is concerned, he has several criminal cases pending against him and in paragraph no. 3 as stated by the petitioner the following cases are pending against him:-

(I) Bidupur P.S. Case No. 368/2018 U/S 392 of IPC

(ii) Bidupur P.S. Case No. 329/18 U/S 302, 120(B), 387/34 of IPC 27 of Arms Act and 3 (8) (v) of SC/ST Act.

(iii) Bidupur P.S. Case No. 369/18 U/S 414 of IPC and 25 (1-b) a, 26, 35 of Arms Act.

(iv) Rajapakar P.S. Case No. 165/18 U/S 379, 356 of IPC

(v) Ganga Bridge P.S. Case No. 70/18 U/S 394 of IPC and 27 of Arms Act.

(vi) Hajipur Sadar P.S. Case No. 369/18 U/S 379 of IPC.

(vii) Industrial Area P.S. Case No. 167/2018 U/S 399, 402, 414/34 of IPC 25 (1-b) a/26/35 of Arms Act and 8/20 (b)



(ii) (c), 22 of NDPS Act.

Having considered the nature of allegation made in the FIR and the conduct of the petitioner, I am not inclined to release the petitioner on bail, his claim on ground of parity with other co-accused person is also not sustainable. It appears that one co-accused Deep Sahni @ Dipak Sahni @ Deep Kumar Sahni has been granted bail by this Court vide order dated 06.01.2021, passed in Cr. Misc. No. 16932 of 2020, have clean antecedent and as such the said privilege cannot be granted to the petitioner by this Court.

The petition stands dismissed.

It is, however, observed that if the petitioner is so advised, he may renew his prayer for regular bail if there is no substantial progress in the trial.

(Purnendu Singh, J.)

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