

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17389 of 2020

Arising Out of PS. Case No.-271 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. ANKESH KUMAR @ MAIKAL Son of Bhushan Kumar Rajak @ Jawahar Rajak Resident of Village - Simri, P.S.- Vidyapati Nagar, Distt - Samastipur.
 2. Subodh Kumar Son of Tikeshwar Bhagat @ Chandeshwar Malakar Resident of Village - Simri, P.S.- Vidyapati Nagar, Distt - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-01-2021 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek regular bail in connection with Gopalganj Town P.S. Case No. 271 of 2018, registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners, in presence of the learned APP for the State, seeks to withdraw the present petition qua the petitioner no. 1.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

The allegation is regarding unknown



miscreants having arrived at the house of the informant, whereafter they had tied the informant and his family members with ropes and then, had looted jewellery, cash amount, licensed revolver, cartridges etc., whereafter they had fled away.

The learned counsel for the petitioner no. 2 has submitted that the petitioner no. 2 is innocent, he has been falsely implicated in the present case and he is languishing in custody since 30.09.2019. The learned counsel for the petitioner no. 2 has submitted that as far as the petitioner no. 2 is concerned, no recovery of looted article has been made from his possession. The learned counsel for the petitioner no. 2 has further submitted that as far as the confessional statement of the petitioner no. 1 is concerned, the same has led to recovery of the looted articles from the other co-accused persons and the jewellery has been recovered from the jeweller in question, however, no recovery of the looted article has been made from the petitioner, hence, benefit of doubt be granted to the petitioner no. 2 for the purposes of grant of



bail.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I find that as far as the petitioner no. 2 is concerned, minuscule evidence is available so as to connect the petitioner no. 2 with the alleged occurrence, hence, I deem it fit and proper to direct for release of the petitioner no. 2 on regular bail.

Accordingly, the above named petitioner no. 2 is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj Town P.S. Case No. 271 of 2018.

(Mohit Kumar Shah, J)

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