

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28240 of 2020

Arising Out of PS. Case No.-218 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUBHASH THAKUR @ MUNNA THAKUR S/o Hari Shankar Thakur
Resident of Village- Patahi Roop, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 24-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Sadar P.S. Case no. 218 of 2020 registered under sections 395 and 397 of the Indian Penal Code and to which sections 400, 412, 414 and 427 of the Indian Penal Code were added subsequently.

As per allegation in the FIR, three accused persons committed bank dacoity and took away Rs. 2,61,000/- approx in cash.

It is submitted by learned counsel for the petitioner that the FIR was registered against three unknown. The name of the petitioner transpired in course of investigation when the



petitioner was falsely implicated in one another case and his confessional statement is alleged to have been recorded by the police. Contrary to the allegation it is submitted that no incriminating article has been recovered from the possession of the petitioner. With respect to the alleged recovery of illegal arms it is submitted that a separate FIR being Sadar P.S. Case no. 219 of 2020 has been registered, with respect to which the petitioner moved this Court for bail in Cr. Misc. No. 28557 of 2020 and the same was rejected by order dated 23.11.2020. Further referring to the supplementary affidavit filed on behalf of the petitioner, it is submitted that the petitioner has brought on record photocopy of the banks account statement of his father to show that it was just before the alleged occurrence that the petitioner had withdrawn Rs. 50,000/- in cash which is being shown by the prosecution as the recovered looted article/cash. The petitioner is in custody since 18.5.2020 and investigation in the case has concluded so far as he is concerned.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in view of the submissions made on behalf of the petitioner together with the petitioner being in custody since 18.5.2020,



the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sadar P.S. Case no. 218 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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