

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30126 of 2020

Arising Out of PS. Case No.-1052 Year-2019 Thana- HAJIPUR District- Vaishali

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SUBHASH RAY S/o Nagendra Ray @ Godhi Ray R/o Mohalla-Gandhi
Ashram, P.S.-Hajipur Town, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul,
Mr. Pramod Kumar, Advocates.
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-01-2021 Heard Mr. Ansul, learned counsel for the petitioner

and Mr. Mithilesh Kumar Khare, Additional Public Prosecutor

for the State.

2. Petitioner seeks regular bail in connection with

Hajipur PS Case No. 1052/2019 registered for the offence

punishable under Section 395/397 of the IPC.

3. The allegation, as per First Information Report, is

that 6-7 unknown miscreants entered into the office of Muthoot

Finance Company, Hajipur and looted a huge amount of gold

weighing 55.777 Kilograms and cash of Rs. 50,000/- on the gun

point.

4. Learned counsel for the petitioner submits that the

name of the petitioner has transpired on the basis of



confessional statement of one Mukul Ray @ Priyaranjan Kumar who has disclosed that a conspiracy was hatched by several accused persons and the petitioner was one of them.

5. Learned counsel further submits that the petitioner has not committed any offence in the manner alleged and he was in custody on the date of occurrence and was granted bail by this Court in Cr. Appeal (SJ) No. 3875/2019. Learned counsel next submits that except confessional statement of co-accused no material is there to connect the petitioner in the present case and no incriminating material or looted property has been recovered from his possession.

6. On the other hand, learned counsel for the State submits that the petitioner was one of the conspirators and the co-accused, specifically, stated in his confessional statement that it was the petitioner who hatched the plan and conspired with other accused persons and accordingly, the crime was committed and a huge amount of gold was looted in a broad day light from the office of Muthoot Finance Company, Hajipur. Learned counsel further submits that petitioner has got criminal antecedents and altogether five cases are pending against him. It is next submitted on behalf of State that bail application of other co-accused persons, namely, Dharmendra Kumar @



Dharmendra Sahni and Awadhe Rai @ Abdhesh Ray vide Cr. Misc. Nos 22512 and 20926 of 2020 respectively, have been rejected by this Court.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner has got criminal antecedents and bail application of similarly situated accused persons have been rejected by this Court, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner is, hereby, rejected.

8. However, the petitioner may renew his prayer for bail after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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