

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30896 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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ALOK KUMAR, aged about 44 years, Male, Son of Narendra Sah, Resident of Mohalla-Kahathu, P.S.- Jagdishpur, Distt-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Gopal Govind Mishra, Advocate.
For the Opposite Party : Mr. R.B. Roy, 'Raman', A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Section 392 of the I.P.C.

The prosecution story, in brief, is that while the informant was returning to the home from his shop on 04.03.2020 at around 4.20 P.M., four unknown persons dashed his *Bike* and snatched his *Motorcycle, Chain, Mobile* and cash of Rs. 40,000/- from his possession. The confessional statement of this petitioner was recorded in Piro P.S. Case No. 80 of 2020 in which the petitioner was arrested on 21.03.2020 and



disclosed his complicity in this case as well as several other cases relating to robbery of bike. Further on the confessional statement of the petitioner, two Motorcycles were recovered from his possession.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 21.03.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case in course of investigation.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R. The confessional statement of the petitioner was recorded in paragraph no. 32 of the case diary and on the basis of confessional statement of the petitioner the *Motorcycle* in question, which was looted, has been recovered which is mentioned in paragraph no. 34 of the case diary.

Considering the fact that the confession of the petitioner has led the recovery of the looted article, I am not inclined to grant bail to the petitioner at this stage. The same is



rejected in connection with Jagdishpur P.S. Case No. 45 of
2020, pending in the court of learned A.C.J.M.-8th, Ara,

(Sudhir Singh, J)

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