

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34099 of 2020

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

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Bittu Kumar Son of Ashok Kumar @ Ashok Kumar Sah Resident of Village-
Ram Prasad Chowk (Bagdulhan), P.S. Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr.Ashok Kumar Mishra, Adv.
For the Opposite Party/s :		Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 22-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Town Hajipur
P.S. Case No.1052 of 2019 registered under Sections 395 and
397 of the Indian Penal Code. Later on, Sections 412, 201 and
120B I.P.C. were added.

Subodh Kumar Singh, the Branch Manager of
Muthoot Finance Company, Cinema Road, Hajipur alleged that
on 23.11.2019 at 12.30 P.M., while the branch was opened and
work was going on, 6-7 unknown miscreants having armed with
deadly weapons entered into the office of the company and at
the point of firearm, 55.777 kgs. of gold was looted away.
Rs.50,000/- in cash was also looted away. The dacoits have
covered their faces but they were in the age group of 18 to 25



years. Some mobiles were looted away from the staff of the company.

Mr. N.K.Agrawal, learned senior counsel for the petitioner submits that petitioner is not named in the F.I.R. The name of the petitioner surfaced in the case during the course of investigation on confession of the accused persons. One Nishant Jha was arrested and he confessed his guilt and looted articles were also recovered from his possession. Similarly co-accused Ashish, Dharmendra, Mukul Rai, Satish Paswan and Umesh Rai were arrested and they confessed their guilt. Looted articles were also recovered from their possession. The brother of the petitioner was also arrested and he confessed his guilt in para 266 of the case diary. He disclosed that he got 36.25 gms. looted gold. Chanchal gave 100 gms. gold to his brother(the petitioner) and 100 gms. to his mother. It is submitted that recovery of 36.25 gms. gold was made from the room of Chanchal but no recovery was made from the possession of the petitioner and his mother. Therefore, save and except the confession of co-accused in which the name of the petitioner surfaced, there is no tangible material to show the involvement of the petitioner in committing dacoity. It is admitted fact that only 6-7 miscreants who committed dacoity have entered in the office of Muthoot



Company and petitioner was not among them as the face of the petitioner was not identified in the C.C.T.V. footage. Therefore, the petitioner deserves anticipatory bail.

Learned A.P.P. opposed the prayer for anticipatory bail and submits that petitioner also kept the looted articles with him. Since the petitioner was not found inside his house, therefore, no recovery was made from his possession but the petitioner knowingly kept the looted article duly handed over to him by his own brother who participated in the dacoity and looted away gold weighing 55 kgs. and cash.

Having considered the submissions of both sides and on perusal of the records, it is evident that petitioner is not named in the F.I.R. but during the course of investigation, many accused persons were arrested. They confessed their guilt and disclosed the name of the accused persons. From the apprehended accused, the looted ornaments and cash were also recovered. The brother of the petitioner was also arrested and he confessed guilt. From the possession of the brother of the petitioner, 36.25 gms. of gold, said to have been looted away, has been recovered. The brother of the petitioner disclosed that petitioner kept 100 gms. of looted gold with him. There appears that there is material to show that the petitioner kept looted gold



with him and it is a case of sensational dacoity in a finance company in which more than 55 kgs. gold was looted.

Taking into consideration the facts aforesaid and the seriousness of the offence and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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