

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46904 of 2021**

Arising Out of PS. Case No.-320 Year-2020 Thana- DARBHANGA District- Darbhanga

CHANDRAKALA DEVI W/O SRI MANOJ RAY R/o village- Jitwarpur
Chauth, P.S.- Mufassil, District- Samastipur Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State.

This case has been mentioned for out of turn hearing on the ground of the death of the mother of the petitioner.

On the request of learned counsel for the parties, the matter has been heard and is being disposed of on the merit itself.

This application has been filed seeking regular bail in connection with Nagar P.S. Case No. 320 of 2020 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code. The petitioner is in custody since 10.01.2021. She has no criminal antecedent.

As per the prosecution story, one jewelry shop namely Alankar Jewelers is situated in Bada Bajar, Dharbhanga where on



09.12.2020 at about 10:00 A.M. altogether 5 miscreants committed dacoity on the point of pistol. The staffs and customers of the shop were threatened on the point of pistol and thereafter the miscreants took away the huge quantity of jewelry worth Rs.5,35,15,040/-. They also looted away diamonds worth Rs. 10,22,288/-.

In course of investigation, on the basis of materials collected by the I.O., a raid was conducted in the house of the petitioner where she is residing with her husband Manoj Rai. The petitioner allegedly confessed involvement of her husband saying that he had given her one kilogram gold and she concealed the same in the box. She further disclosed that her husband had given Rs.18 lakhs from sale of gold which she had given to her mother-in-law. The police has seized the gold as well as the cash on the disclosure of the petitioner. In the impugned order passed by learned Additional Sessions Judge, V, Darbhanga the kind of recoveries made from the house of the petitioner have been fully discussed.

Learned counsel for the petitioner has contended before this Court that the recovery was made prior to recording of her confessional statement and, therefore, such recovery cannot be said to have been made on the basis of the confessional statement of the petitioner.



Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the huge quantity of jewelry and cash have been recovered from the house of the petitioner and on the basis of her statement recovery of cash has also been made from her mother-in-law as is evident from the materials discussed in the impugned order itself.

Considering the facts and circumstances of the case, the gravity of the offence alleged and the materials which have been collected in course of investigation particularly the recoveries shown from the house of the petitioner and her explanation to the extent that she was given this gold and cash by her husband, this being in the nature of the recovery from conscious possession of the petitioner, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

