

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39441 of 2020**

Arising Out of PS. Case No.-58 Year-2020 Thana- RAJNAGAR District- Madhubani

AKASH KUMAR SON OF SATYA NARAYAN MUKHIYA RESIDENT OF
VILLAGE - KORAHYA, P.S. - JAINAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Ravi Prakash, Gagan Deo Yadav, Advocates
For the Opposite Party/s : Mr Shailendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Rajnagar Police Station
(for brevity *PS*) Case No 58 of 2020 instituted for the offence
punishable under Section 395 of Indian Penal Code (for brevity,
IPC) and later on added with Sections 397, 412 of *IPC*.

It is alleged that the informant, who is a jeweler, has
been accosted, while he was on his way, by three persons having
pistol in their hands. They looted ornaments and cash from him.

Petitioner's counsel submits that it is a case of false
implication. The petitioner has no concern with the alleged
occurrence and even in the statement of the co-accused, it is not
alleged that the petitioner has fired upon the informant. It is



submitted that the articles, recovered from his possession, are household articles which was in his bona fide possession. One of the co-accused, namely, Shivchandra Yadav has been allowed bail by this Court in Cr Misc 24303 of 2020.

Learned APP has submitted that petitioner has two more antecedents, as per disclosure made in paragraph 3 of the bail application. The looted ornaments have been recovered from the petitioner's possession and the bail has been granted to co-accused, who was not involved in any overt act. Only allegation against him is that he has played the role of a plotter. The petitioner cannot claim parity with the said co-accused.

Having regard to the submissions advanced by the parties, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer is rejected.

(Madhuresh Prasad, J)

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