

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8751 of 2021**

Arising Out of PS. Case No.-141 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Rajesh Kumar Chaubey alias Rajesh Chaubey, Son of Dinesh Chaubey,
Resident of Village- Chaubeypur P.S- Kuchhila District- Kaimur Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

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

4 06-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Mohaniya P.S. Case No. 141 of 2020 registered for the offence punishable under Section 395, 399, 402, 412 of the Indian Penal Code and Section 25(1-B)a, 26/35 of the Arms Act.

As per the prosecution case, while the informant was going to his village, accused persons took away the bag containing cash amount of Rs. 3,30,000/-, Mobile, Finger Scanner, Bank Transaction Register, Cheque Book and fled away.

Learned counsel for the petitioner submits that the

petitioner is not named in the First Information Report, however, his name has been dragged in this case in the confessional statement of the co-accused.

It is submitted that during investigation on the basis of confessional statement a sum of Rs. 50,000/- is said to have been recovered from the house of the petitioner but the said money has not been put on test identification to ascertain as to whether the same is looted money or not.

Learned counsel submits that the co-accused namely, Md. Rizwan @ Babu has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 25303 of 2020 (Annexure '3').

Mr. Ram Sumiran Rai, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that in course of investigation the dumped data and CDR of the mobiles which were active near the cash collection centre and at the place of occurrence have been analyzed. On analysis of the mobile numbers it has been found that the mobile of the co-accused and this petitioner were active and several calls were made from each other during the alleged date and time of occurrence and from the said locality.

Learned A.P.P. further submits that on the basis of such scientific investigation when raids were conducted in the house of

co-accused Sujit Kumar Keshri and some other co-accused then they confessed their guilt and disclosed that they had received Rs. 50,000/- as their share in the looted money and on the basis of their confessional statement Rs. 50,000/- was recovered from their houses. The petitioner and the co-accused were arrested on some information and thereafter from their possession mobile, country made pistol, cartridges and motorcycle were seized. In paragraph '68' of the case diary it has come that on search of the house of this petitioner a sum of Rs. 50,000/- which was his share in the looted money of Rs. 3,30,000/- was recovered.

Learned A.P.P. submits that from the house of the six accused who were arrested a sum of Rs. 50,000/- has been recovered from the house of each one of them.

Learned A.P.P. further submits that this petitioner has got three criminal antecedents and all are of serious nature, the cases are under Section 395 of the Indian Penal Code, Section 307 of the Indian Penal Code read with the Arms Act and also under the provisions of the Explosive Substance Act.

So far as the bail granted to the co-accused Md. Rizwan @ Babu vide Annexure '3' is concerned, it appears from the same that he had no criminal antecedent.

At this stage, learned counsel for the petitioner submits that one Satyendra Kumar who had three criminal antecedents has

been granted bail by another learned coordinate Bench of this Court.

Considering the facts and circumstances of the case, there being some substantive materials by way of the CDR analysis of the mobile phone of the petitioner, the recovery of money from his house and recovery of money from possession of all the six accused when they were separately raided and that the petitioner has got the criminal antecedent as well, this Court is not persuaded to enlarge the petitioner on bail on the ground that the co-accused against whom there were criminal antecedents has been granted bail by the learned coordinate Bench of this Court. The prayer for bail of the petitioner is, thus, refused.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.