

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2372 of 2022

Arising Out of PS. Case No.-573 Year-2021 Thana- MADHAURAH District- Saran

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Ashu Kumar, Son of Mundrika Rai, Resident of Village - Chandpura, P.S.-
Bheldi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Marhaurah P.S. Case No. 573 of 2021
registered for the alleged offences under Section 395 of the
Indian Penal Code and later on Section 412 I.P.C. was also
added.

As per prosecution case, five miscreants on two
motorcycles looted Rs. 40,02,500/- from the informant at the
gunpoint. The name of the petitioner came up as an accused
during investigation.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case as he was not named in the FIR and at the instance of his enemy, he has been named in this case. Nothing incriminating has been recovered from the conscious or exclusive possession of the petitioner and the police has forcibly obtained his signature on blank paper. Though recovery of Rs. 6 lacs has been shown from the house of the petitioner but the seizure list is suspect as the witnesses on the seizure list have been shown from different addresses. The petitioner has got no concern with the other co-accused persons. The co-accused Shailesh Kumar Pathak from whom recovery of Rs. 6 lacs has been shown has been granted bail by a Coordinate Bench of this Court vide order dated 13.06.2022 passed in Cr. Misc. No.8457 of 2022 and the case of the petitioner is similarly placed with the said co-accused. The petitioner is in custody since 08.10.2021 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery of some of the looted cash has been made from the house of this petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



clean antecedent of the petitioner along with period of custody and submission of charge-sheet in this case and further considering grant of bail to similarly placed co-accused, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhaurah P.S. Case No. 573 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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