

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72180 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- LALGANJ District- Vaishali

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Akhilesh Kumar @ Majhala Son of Nandu Mahto Resident of Village -
Jalalpur, P.s.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 6855 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- LALGANJ District- Vaishali

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Raja Mahto @ Raja Babu s/o baban mahto r/o village- jalalpur, p.s.- Lalganj,
Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 72180 of 2021)

For the Petitioner/s : Mr. Shyam Kishore, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 6855 of 2022)

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Lalganj

P.S. Case No. 272 of 2021 registered for the offence under



Section 392 of the Indian Penal Code and Section 27 of the Arms Act. Later on, the charge-sheet submitted under Sections 395, 397, 412 of the I.P.C.

The accused/petitioner is not named in the F.I.R. and is in custody since 13.08.2021.

The allegation against the petitioner is to commit robbery and, while committing so, taken away cash of Rs. 12,00,050/- (Twelve Lakh Fifty Rupees Only) from informant, working as a cashier of petrol pump, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused namely, Aditya Kumar, as per **Para-49** of the case diary, in furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is further submitted that petitioner was not put on TIP, as yet. It is also submitted that recovered cash of Rs. 3000/- is without any details and denomination, so as to connect with alleged looted cash of present occurrence/robbery. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and,



moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as recovered cash failed to match with looted cash, in want of any details and denomination coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lalganj P.S. Case No. 272 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

In Cr. Misc No. 6855 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Lalganj P.S. Case No. 272 of 2021 registered for the offence under



Section 392 of the Indian Penal Code and Section 27 of the Arms Act. Later on, the charge-sheet submitted under Sections 395, 397, 412 of the I.P.C.

The accused/petitioner is not named in the F.I.R. and is in custody since 13.08.2021.

The allegation against the petitioner is to commit robbery and, while committing so, taken away cash of Rs. 12,00,050/- (Twelve Lakh Fifty Rupees Only) from informant, working as a cashier of petrol pump, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused namely, Aditya Kumar, as per **Para-49** of the case diary, in furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence/robbery. It is further submitted that petitioner was not put on TIP, as yet. It is also submitted that no recovery of alleged looted cash was made from this petitioner, during the course of investigation. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/robbery coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lalganj P.S. Case No. 272 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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