

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7530 of 2022

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

Piyush Kumar @ Prince, Son Of Anil Singh, Resident Of Village- Bheldi,
P.S.- Bheldi, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Marhowrah P.S. Case No. 573 of 2021 registered for the alleged offences under Sections 395 and 412 of the Indian Penal Code.

The prosecution case is that five unknown miscreants looted Rs. 40,02,500/- from the informant, who used to operate Hitachi ATM. The miscreants were riding on two motorcycles and covered their faces with *gamacha*.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and he has been roped in this case on the basis of confessional statement of co-accused Ashu Kumar. Though, it is stated that Rs. 4,19,800/- has been recovered from the possession of this petitioner, but the same was not part of any looted money. In fact, this cash was kept by the petitioner for purchase of jewellery, clothes and valuable articles for the purpose of marriage of his brother, which was fixed for 29.11.2021. If the same was looted money, the petitioner would have taken steps for hiding the same. Moreover, there is nothing on record to show that the money recovered from the petitioner was the same money looted from the informant. Further, the petitioner has no concern with the motorcycle which was used in the offence as mentioned in the FIR. Save and except the recovered cash amount of Rs. 4,19,800/-, nothing incriminating has been recovered from the possession of this petitioner. The charge-sheet has been submitted in this case and the petitioner is in custody since 11.10.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery of money has been made from this petitioner, who has been named by the co-accused.



Having regard to the submissions made hereinabove and considering the recovery of money from the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

If the trial is not concluded within a period of nine months, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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