

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9271 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- PUNAURA District- Sitamarhi

Raju Kumar @ Raja Son Of Vaidhnath Mahto, R/O Village- Kaura Bhim,
P.S.- Parsauni, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Md. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Punaura P.S. Case No. 80 of 2021 registered for
the alleged offences under Section 395 of the Indian Penal
Code.

As per prosecution case, five miscreants intercepted
the motorcycle of the informant and looted Rs. 17,00,000/-
(seventeen lacs), which he was carrying in his shoulder bag. The
name of the petitioner transpired during investigation as one of
the accused persons.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has not named in the F.I.R. and nothing incriminating has been recovered from his possession. The name of petitioner came up in this case on the basis of confessional statements of co-accused persons, namely, Amit Kumar and Umesh Chaudhary. The petitioner was not put to any Test Identification Parade. Recovery of looted money was made from other co-accused persons but not from this petitioner. The petitioner has been made accused in this case only on basis of his antecedents. The petitioner is in custody since 09.07.2021 and charge-sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is a habitual offender and is an accused in number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge-sheet and the period of the custody of the petitioner, he 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, Sitamarhi, in



connection with Punaura P.S. Case no. 80 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)

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