

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21331 of 2021

Arising Out of PS. Case No.-771 Year-2019 Thana- KOTWALI District- Patna

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SANTOSH KUMAR @ MAMU, S/O SRI SHRAVAN PASWAN R/O
VILLAGE ASOI LACCHIRAM, P.S.-BHAGWANPUR, DISTRICT-
VAISHALI (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshansh Ankit

For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-04-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in a case registered for the
offences under Section 394 of the Indian Penal Code and Section
27 of the Arms Act, 1959.

The learned counsel for the petitioner submits that the
petitioner is in custody since 20.05.2020, charge-sheet has been
submitted and has antecedent of eight cases.

The learned counsel for the petitioner further submits
that the informant alleges that an unknown criminal came from
behind and shot the informant in his thigh and thereafter looted Rs.
3 lakhs which the informant was carrying in a bag.

The learned counsel for the petitioner submits that the
FIR is against unknown and the petitioner has been implicated in
the present case as his name came on his own confessional



statement which has no evidentiary value. The learned counsel for the petitioner further submits that similarly situated co-accused, Mukesh @ Bablu Kumar has been granted bail by order dated 23.02.2022 passed in Cr. Misc. No. 28039 of 2021.

The learned A.P.P. vehemently opposes the bail application and submits that the impugned order clearly records that the looted money was recovered from other accused based on the information provided by the petitioner, it is further submitted that from perusal of the case diary at para 175, it has come that Rs. 66,200/- from the looted money was also recovered from the petitioner apart from other accused person including Mukesh Kumar. The learned APP thus submits that the case of this petitioner is distinguishable from the case of Mukesh Kumar as in the order of Mukesh Kumar, it is recorded that nothing was recovered from his possession.

Considering the submissions made by learned APP, the Court, for the present, is not inclined to grant bail to the petitioner. Therefore, the prayer for bail of this petitioner is rejected.

(Satyavrat Verma, J)

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