

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13173 of 2022

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUBHAS KUMAR JHA @ SUBHASH KUMAR JHA @ SUBHAS KUMAR
Son of Late Vijay Shankar Jha Resident of Village- Shahpur Pagra, P.S.-
Dalsingh Sarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar

P.S. Case No. 100 of 2019 registered for the offence under

Sections 395 and 397 of the Indian Penal Code.

The case relates to dacoity in the office of Muthoot

Finance Co. Ltd. from where two lakh rupees kept in the

counter and the gold kept in the strong room have been

stolen by the six unknown miscreants. The bag of the

informant along with his mobile and modem have also been



stolen.

It appears that earlier the prayer for bail of this petitioner had been rejected by a co-ordinate Bench of this Court vide order dated 06.11.2020 passed in Cr. Misc. No. 18674 of 2020. Thereafter the petitioner has approached this Court vide Cr. Misc. No. 37400 of 2021 which stood dismissed as withdrawn with liberty to move afresh vide order dated 02.02.2022 passed by this Court. Now, the petitioner has again before this Court with fresh application.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R and merely on the basis of suspicion as because he happens to be younger brother of the Vikash Kumar Jha who name has surfaced in this case on the basis of confessional statement of the co-accused. Save and except the suspicion, no cogent material has come during course of investigation against the petitioner. No incriminating articles as alleged in the F.I.R. have been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against



the petitioner. Moreover, the co-accused, namely, Ashish Kumar Singh @ Aashiqui @ Aashish Kumar, Abhishek Kumar, Pradeep Kumar Rai @ Pradeep Kumar and Alok Kumar Pathak have been granted bail by different co-ordinate Benches of this Court vide order dated 02.03.2020, 16.10.2019, 20.06.2019 and 24.11.2020 passed in Cr. Misc. No. 14325 of 2020, Cr. Misc. No. 34406 of 2019, Cr. Misc. No. 37319 of 2019 and Cr. Misc. No. 30278 of 2020, respectively. The co-accused, namely, Manish Kumar has already been granted bail by this Court vide order dated 10.12.2021 passed in Cr. Misc. No. 40331 of 2021. The petitioner is rotting in judicial custody since 11.02.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-19th, Muzaffarpur in connection with Sessions Trial No. 542 of 2019 (arising out of Sadar Muzaffarpur) P.S. Case No. 100 of 2019 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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