

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22061 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

JITESH KUMAR YADAV @ JITESH KUMAR S/O RAMA SHANKAR
RAI R/o village- Tenua, P.S.- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar no.3

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 395 of the Indian Penal Code .

As per allegation, four criminals entered into customer service center which was being run by the informant and thereafter said criminals forcibly took away Rs 4 lakh from drawer of the informant and incident of loot was committed by them on the point of pistol and after committing the occurrence accused persons fled away and prosecution case is that petitioner was indulged in the alleged loot.

The main submissions advanced by Dr. Rajesh Kumar Singh the learned counsel for the petitioner are that admittedly,



petitioner was not arrested at the spot, he was remanded in this case from Chapra Mufassil P.S Case No. 25 of 2022 and in the said case, petitioner was alleged to have found in possession of Rs 15,000/- and said recovery of money is alleged to be relating to loot of the informant's case but the petitioner has got bail in Chapra Mufassil P.S Case No. 25 of 2022 by the court below and against him, Chapra Mufassil P.S Case No. 624 of 2021 was also lodged in which he is on bail. Further submission is that petitioner is a businessman and merely on account of recovery of Rs 15000/- from his possession, he cannot be presumed or deemed to be involved in the present case and after remand in the present case, he was not put on test identification parade and mainly relying on confessional statement of co-accused persons including the petitioner given before the police as well as recovery of Rs 15000/- from his possession, he was remanded in the present case and petitioner has been languishing in jail since 09.02.2022.

Learned APP Sri Binod Kumar no. 3 has opposed the prayer for bail.

Heard both sides and perused the FIR. Admittedly, petitioner was not arrested at the spot and as per prosecution story he was remanded in the present case from Chapra Mufassil P.S Case No. 25 of 2022 and according to petitioner's counsel petitioner has got bail in the said case. The petitioner has taken plea that after remand in the present case, he was not put on TI parade and said submission



has not been refuted by learned APP who fairly submitted that petitioner was remanded in the present case from Chapra Mufassil P.S Case No. 25 of 2022 and in that case Rs 15000/- was recovered from his possession along with mobile phone. Accordingly, in view of recovery of Rs 15,000/- and mobile phone from petitioner's possession as well as his statement made before the police, petitioner has been made accused in this case and except this, no incriminating evidence has been pointed out by learned APP against the petitioner.

Considering these facts as well as above submissions, the petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IX, Saran at Chapra in Chapra Mufassil P.S Case No. 20 of 2022.

(Shailendra Singh, J)

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