

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67482 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- JADIA District- Supaul

RAJESH KUMAR @ RAJESH KUMAR MANDAL, Son of Bhalji Mandal Resident of Village- Parsagarhi uttar, Ward No. 10, P.S.- Jadia, District- Supaul, Permanent resident of Majarhat, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71266 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- JADIA District- Supaul

SHRAWAN KUMAR @ SARVAN KUMAR Son of Maheshwari Mandal Resident of village - Parsagarhi, P.S. - Jadia, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23240 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- JADIA District- Supaul

PAPPU YADAV @ PAPPU KUMAR S/o Gajendra Yadav Resident of Village - Tamua, Bhatani Tola, P.S. - Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67482 of 2021)

For the Petitioner/s : Mr.Durga Nand Jha, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 71266 of 2021)

For the Petitioner/s : Mr.Durga Nand Jha, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 23240 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 Since three cases arise out of Jadia P.S. Case No. 24 of



2021 as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Jadia P.S. Case No. 24 of 2021 registered for the alleged offences under Sections 394, 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, unknown miscreants looted cash amount of Rs. 45 lakhs from the Cash Officer of a private company who had been going to replenish the cash in ATMs and the guard was also shot at who later on succumbed to his injuries. The name of the petitioners transpired as accused persons during investigation.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. They are not named in F.I.R. and nothing incriminating have been recovered from their possession. The petitioners have not been put to any Test Identification Parade. Except for confessional statement, there is nothing against the accused persons and the confessional statement is not admissible in evidence. It has been further submitted on behalf of the petitioners that whatever recovery of cash has been shown it is



not the looted money and moreover, the recovery is not from the active possession of the petitioners. Learned counsel further submits that the recovered cash was also not put to T.I.P. to ascertain the fact that it was the same cash which was looted. Charge sheet has been submitted in this case and the petitioners are in custody since 13.03.2021, 13.03.2021 and 02.09.2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners are habitual offenders and recovery of the looted cash have been made from the petitioners. Paragraph 187, 188, 194, 196 and 207 of the case diary show that the recovery has been made at the instance of the petitioners except for petitioner Pappu Yadav but from the house of this petitioner recovery of looted cash has been made.

Having regard to the facts and circumstances and considering the recovery of part of cash and looted cash from the petitioners, I am not inclined to enlarge the petitioners on bail at this stage.

Accordingly, their prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

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