

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26112 of 2022

Arising Out of PS. Case No.-256 Year-2020 Thana- SITAMARHI District- Sitamarhi

Utkarsh Kumar @ Chhotu @ Chhotu Kumar S/o Late Ravi Ranjan Singh R/o
village- Dheng, P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 256 of 2020 registered for the offence under
Sections 394 and 302 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.06.2020.

The allegation against the petitioner is to commit
robbery in the shop of the informant, alongwith other co-
accused persons and, while committing so, taken away cash of
Rs.8,50,000/- (Rupees Eight Lakh Fifty Thousand) kept in a red
coloured bag, where after raising objection, father of the



informant was shot dead.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his name surfaced on the basis of suspicion, as raised by police spy, where nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with the present set of robbery and murder. It is submitted that the alleged looted money is without any details and denominations and in such condition, recovered cash of Rs.23,500/- (Rupees Twenty Three Thousand Five Hundred) cannot be connected with the present occurrence or cannot be said as looted money. It is further submitted that co-accused, namely, Rahul Singh, from the possession of whom pistol was recovered, which later on, after ballistic examination, found to be the same pistol, which was used to fire upon the father of the informant causing his death, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 13709 of 2021 dated 10.09.2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as recovered currency notes are without any details and denominations to connect with looted currency notes, where petitioner is in custody since 12.06.2020 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 256 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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