

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30344 of 2022**

Arising Out of PS. Case No.-573 Year-2021 Thana- MADHAURAH District- Saran

Mintu Kumar, Son Of Manoj Mahto, R/O- Vill- Bheldi, P.S.- Bheldi, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 petitioner seeks bail in connection with Marhowrah P.S. Case No. 573 of 2021 registered for the alleged offences under Section 395 of the Indian Penal Code and later on Section 412 was also added.

As per prosecution case, five miscreants on two motorcycles surrounded the informant, who was carrying Rs. 40,02,500/- after withdrawing the said amount from the bank and at the gunpoint snatched the money from him. The name of the petitioner along with other co-accused persons transpired during investigation.



The learned counsel for the petitioner submits that the petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. The petitioner was named in this case on the basis of the confessional statement of co-accused Ashu Kumar and subsequently his confessional statement was also recorded by the police after his arrest. During raid on the house, Rs. 28,500/- was recovered but it cannot be said to be part of the looted money and the recovered cash belongs to the family of the petitioner. But the police without any evidence seized the money stating it to be the looted amount. But recovery of more than Rs. 6,00,000/- and other articles made from the house of one Sanju Devi, who is said to be the owner of the motorcycle which was named by the informant in the FIR with details. Further recovery of Rs.4,19,800/- has been made from co-accused Piyush Kumar. It also goes on to show that the money recovered from the petitioner is not the looted money. The petitioner has not been put to any Test Identification Parade. The petitioner is in custody since 11.10.2021 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery of some of the looted cash has been made from



this petitioner.

Having regard to the submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with period of custody and submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 573 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Rupesh Kumar, cousin brother of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

U		T	
---	--	---	--

