

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41173 of 2021

Arising Out of PS. Case No.-541 Year-2018 Thana- JAKKANPUR District- Patna

ASHOK SINHA @ ASHOK KUMAR SINHA S/o Late Lala Hari Prasad
Sinha R/o Village - Purandarpur, P.S. - Ekangr Sarai, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-04-2022 Heard Mr. Manoj Kumar Manoj, learned counsel for
the petitioner and Mr. Umanath Mishra, learned Additional
Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Jakkanpur PS Case No. 541 of 2018 registered for the offence
punishable under Sections 363/365/420/379 of the IPC and later
on Sections 328/392/302/201, 414/34 IPC were added.

The allegation in a nutshell is that the brother of the
informant namely, Asok Sah arrived at Patna from Hyderabad,
called up his wife at about 9:20 PM informing her that he was
boarding at a bus at Meethapur Bus Stand but he did not reach
his residence till late night, his mobile phone was found
switched off and ultimately, his brother was found dead in a
hospital and it was detected that from ATM Card of the



deceased, money was withdrawn at Meethapur Bus Stand and purchase of gold jewelries was made at Biharsharif.

Learned counsel for the petitioner submits that the FIR is against unknown and the petitioner has falsely been implicated in this case on the basis of confessional statement of one Sujeet Kumar who has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 4472/2020 (Annexure-2). He further submits that the petitioner is in custody since 24.06.2019 and the charge-sheet has been submitted. He next submits that there is contradiction in the statement recorded in the case diary i.e., in paragraphs 27 and 39.

On the other hand, learned Additional Public Prosecutor appearing for the state, referring to the case diary, submits that the petitioner and other accused persons used ATM card of the deceased, Ashok Sah and while using the said ATM, the photograph of the petitioner and other accused persons were captured in CCTV footage of the jewelry shop. The accused persons purchased gold and other articles from jewelry shop at Biharsharif and on the basis of verification done by the technical cell of the Superintendent of Police, the petitioner was identified in the CCTV footage while using ATM in the jewelry shop. The deceased was killed by the accused persons with the purpose of



loot. Learned APP next submits that petitioner has got four criminal antecedents of similar nature.

Regards being had to the submissions made by the parties and taking into consideration particularly para-27 of the case diary where-from it appears that the petitioner was seen in the CCTV footage and was identified by the technical cell of the Superintendent of Police and this aspect of the matter was not brought to the notice while the bail application of the co-accused was being considered by a Co-ordinate Bench of this Court. Accordingly, parity claimed by the petitioner is not sustainable. Prima facie, evidence against the petitioner has come during course of investigation and the petitioner has got criminal antecedents of similar nature, I am not inclined to grant regular bail to the petitioner. The same is, hereby, dismissed.

Let the trial be expedited.

(Anil Kumar Sinha, J)

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