

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40827 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Md. Shahbaj @ Md. Shahbaj Alam Son of Late Abdul Rasid Resident of
Village- Kasai Mohalla Puraini, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41089 of 2021

Arising Out of PS. Case No.-435 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Md Shahbaj @ Md Shahbaj Alam Son of Late Abdul Rasid Resident of
village - Hussainabad Puraini, P.S.- Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40827 of 2021)

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 41089 of 2021)

For the Petitioner/s : Mr. Bipin Kumar, Advocate

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

Mr. Kumar Vikram Aditya, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-01-2022 This application has been taken up for online
hearing through video conference because of COVID-19
pandemic restrictions.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.



The petitioner is the same in both the cases. These applications have been filed on his behalf for grant of regular bail. Cr. Misc. No. 40827 of 2021 arises of Jagdishpur P.S. Case No. 9 of 2021, registered for the offences punishable under Section 25(1-b)a, 26 and 35 of the Arms Act and Section 3/4 of the Explosives Substance Act. Cr. Misc. No. 41089/2021 arises out of Jagdishpur P.S. Case No. 435 of 2020, registered for the offences punishable under Section 392 of Indian Penal Code.

Both the applications have been heard together, petitioner being the same and the aforesaid two cases being interconnected.

The case of the prosecution as disclosed in the First Information Report in Jagdishpur P.S. Case No. 435 of 2020 is that when the informant was going to the railway station, two unknown miscreants snatched from him a bag containing a sum of Rs. 1,69,700/- and other articles contained in another bag, at the point of pistol. The petitioner's name had surfaced during the course of investigation of Jagdishpur P.S. Case No. 435 of 2020, which led to the police conducting a raid in the petitioner's house. The petitioner was apprehended and on his confessional statement, the looted money and the weapon used in commission of robbery with other associates were recovered.



Further, during the course of the said raid, from the petitioner's house, two country made pistols, six live cartridges and a bomb was recovered.

Considering the circumstance that the disclosure made by the petitioner in his confessional statement made before the police led to recovery of looted articles and the gravity of the offence alleged, I am not inclined to grant the petitioner privilege of regular bail for the present.

These applications are accordingly rejected.

However, the petitioner shall be at liberty to renew his prayer for bail after six months, if, in the meanwhile, there is no progress at the trial in the aforesaid cases.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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