

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42879 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- SARAIYA District- Muzaffarpur

MUKESH PATHAK Son of Late Ramchandra Pathak Resident of Village -
Dharfari, P.S.- Deoriya, District - Muzaffarpur, Presently residing at Krishna
toil Brahampura, P.S.- Brahampura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

4 22-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Saraiya P.S. Case No. 107 of 2020 registered for the offences
punishable under Sections 395 of the Indian Penal Code.

As per prosecution case, allegation is regarding
six-seven miscreants are with pistol and entered inside the bank
in question and looted Rs. 804030/-.

Learned counsel for the petitioner submits that



petitioner is in custody since 01.06.2020 and bears criminal antecedent of two cases in which he is on bail in one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. During course of investigation on the basis of his own confessional statement, the name of present petitioner has been surfaced and he has been arrested from his house in the mid night and implicated in another case bearing Saraiya P.S. Case No. 111 of 2020.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner as from para 17 of the case diary it appears that a loaded desi Katta has been recovered from the possession of the petitioner and on the confessional statement of petitioner and other Rs. 3,21,600/- has been recovered from different placed which has been mentioned in the seizure list.

Considering the facts and circumstances of the case as well as this aspect of the matter that on the basis of disclosure made by the petitioner and others the alleged amount of Rs. 3,21,600/- has been recovered, I am not inclined to grant bail to the present petitioner. Accordingly, the bail of present petitioner is hereby rejected.



However, learned trial court is directed to expedite
the case.

(Alok Kumar Pandey, J)

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