

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38822 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- KAHALGAON District- Bhagalpur

Sunni Kumar @ Rahul Kumar Son Of Late Suresh Mandal R/O-Mohalla-
Barari Road, Tilkamanjhi, P.S.- Tilkamanjhi, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 23-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Kahalgaon P.S. Case No. 419 of 2021 lodged under Sections
394, 411 of the I.P.C.

As per the prosecution case, the informant has alleged
that he was sleeping at his home along with his wife. At about
01:25 AM in the night, the door of his room was opened with
sound and suddenly, 4 unknown criminals with arms entered
the room of the informant and took away the informant at the
point of fear of arms. When informant reached his room, they
have tied both hand and leg and demanded key of almirah and

thereafter, looted all ornaments of gold, silver and cash and then, they entered into the room of the informant's wife and taken away all her ornaments, money from the almirah of the informant's wife. It has been alleged that they have stayed there about 45 minutes and thereafter, they have fled away keeping all stolen articles. With this allegation, the present case has been filed. It has been alleged that accused petitioner has left one Gamchha in his house upon which criminal case has been filed against 4 unknown persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that his name has figured in this case by virtue of confessional statement of the co-accused. He submits that he was not put on T.I.P. and there is only 2 cases pending against him in one case, he is on bail and in another case, he is persuading for bail. Learned counsel submits that petitioner is in custody since 27.07.2021

Learned counsel for the State opposes the prayer for bail and submits that in the order of rejection of bail passed by Session Judge, Bhagalpur, it has categorically come that in the confessional statement of the co-accused and on the leave given in it, looted articles have been recovered and Seizure list have

been prepared. Learned counsel submits that money has been recovered from his possession. Upon specific query that whether charge has been framed in this case or not, counsel submits that charge sheet has been filed but charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 6 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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