

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46601 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KUNAU LI District- Supaul

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PAPPU KUMAR SAH Son of Late Bechu Sah @ Bechan Sah Resident of
Village - Haripur-Kamalpur, Ward No. 12, P.S.- Kunauli, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Kunauli PS case no. 01 of 2021 instituted for the offences
punishable under Sections 394/34 of Indian Penal Code.

The allegation is regarding unknown miscreants
having snatched a sum of Rs. 4.97 lacs approximately from the
informant which was in Nepali currency. Subsequently, some
miscreants are stated to have been arrested and a sum of
Rs. 2 lacs approximately of Nepali currency was recovered from
the house of the petitioner.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is languishing in custody



since 04.01.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases but he is on bail in both the said cases. The learned counsel for the petitioner has also submitted by referring to paragraph no. 16 of the present petition that the uncle of the petitioner had taken a loan of a sum of Rs. 4 lacs from his uncle namely Bechan Sah for construction of a house and the said Bechan Sah is stated to be running a business in Nepal. It is next submitted that on the fateful night, the said Bechan Sah had come to the house of the petitioner with a sum of Rs. 4 lacs Nepali currency and out of the said amount, some money was used for purchasing building materials, while the rest of the amount was kept in the house of the petitioner for purchasing bricks etc. and subsequently, when the police has raided the house of the petitioner, a sum of Rs. 2 lacs Nepali currency was recovered. Lastly, it is submitted that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person namely Sushil Kr. Mehta.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since more than a year and no test identification parade has been held till date so as to connect the petitioner with the alleged crime, apart from the fact that he has categorically explained about the recovery of Nepali currency from his house in paragraph no. 16 of the present petition, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate, Birpur, Supaul in connection with Kunauli PS case no. 01 of 2021.

(Mohit Kumar Shah, J)

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