

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66666 of 2021

Arising Out of PS. Case No.-585 Year-2021 Thana- ARA NAWADA District- Bhojpur

Kanhaiya Jee @ Kanhaiya Jee Gupta Son Of Late Sita Ram Sah R/O Mohalla
- Bari Masjid, P.S.- Ara Nagar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 09-02-2022 The applicant is given out of turn hearing on the
ground of his treatment for Cancer.

The applicant/accused in Crime No. 585 of 2021 registered with Ara Nawada Police Station for the offence punishable under Section 392 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

Learned counsel for the applicant argued that nothing was seized from the applicant and whatever was seized, was seized from co-accused Nandan Kumar and Chhotu Kumar, the said Nandan Kumar was already granted



bail by the learned trial Court.

The learned Additional Public Prosecutor argued that the applicant is arrested in the subject crime as he had assisted the accused persons in melting looted gold. He submits that there is confession of co-accused to that effect.

I have considered the submissions so advanced and also perused the materials placed before me.

Three unknown robbers by brandishing pistols had looted jewellery shop of first informant Dharmendra Kumar @ Pawan Kumar. Jewellery amounting to about six lacs and fifty thousand was looted by the robbers. Some of the looted articles came to be recovered from the co-accused. So far as the present applicant is concerned, even as vouched by the learned Additional Public Prosecutor he has assisted the accused persons in melting the stolen jewellery and the learned Additional Public Prosecutor states that this fact is based on confessional statement of the co-accused. It is not pointed out as to how that confessional statement can be read by the Court particularly when it has not resulted in any recovery.

Considering the nature of the evidence against the applicant/accused, I see no reason to deny bail to him. Hence, the order :-



i. The application is allowed.

ii. The applicant/accused in Crime No. 585 of 2021 registered with Ara Nawada Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the
applicant/accused.

(A. M. Badar, J)

Mkr./-

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