

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69081 of 2021

Arising Out of PS. Case No.-458 Year-2021 Thana- VAISHALI District- Vaishali

1. Md. Shaukat Son of Md. Allauddin Resident of Village- Navada, P.S.- Ganga Bridge, District- Vaishali.
2. Md. Khursid Son of Md. Muslim Resident of Village- Navada, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Hajipur Town P.S. Case No. 458 of 2021 registered for the offence under Section 395 of the Indian Penal Code and, later on, Section 412 of the Indian Penal Code was added subsequently.

The accused/petitioners are not named in the F.I.R. and are in custody since 18.06.2021.

The allegation against both the petitioners is to commit dacoity, alongwith other co-accused persons, where



cash of Rs.1,16,40,000/- (Rupees One Crore Sixteen Lakh Forty Thousand) was looted from HDFC Bank at Hajipur.

Learned counsel appearing on behalf of the petitioners submitted that name of the petitioners surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Mohd. Armaan. It is submitted that recovery of cash of Rs.50,000/- (Rupees Fifty Thousand), as shown from the house of the petitioner, is just to implicate these petitioners, as seizure list is not supported by independent witnesses, rather by police personnel. It is further submitted that in want of details and denominations of looted cash/recovered money, it is difficult to connect these petitioners with the present set of dacoity. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while vehemently opposing the prayer of bail, fairly conceded the fact that petitioners are not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as recovered alleged currency note is without any details



and denominations, where seizure list is appearing doubtful, being not supported by independent witnesses coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Hajipur Town P.S. Case No. 458 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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