

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2111 of 2023**

Arising Out of PS. Case No.-220 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Ram Swarup Sah Son of Late Chhote Lal Sah R/O Village- Abjuganj, P.S.-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 19-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 220 of 2021 registered for the offence
under Sections 395 and 397 of the Indian Penal Code (in short
'I.P.C.').

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.02.2022.

The allegation against the petitioner is to commit
dacoity in Bhagalpur Central Co-operative Bank alongwith
other co-accused persons and while committing so taken away
cash of Rs. 28,00,000/- (Rupees Twenty-eight Lac Only) and



furthermore, Rs. 1,22,206/- (Rupees One Lac Twenty-Two Thousand Two Hundred Six Only) as was kept on counter during the course of occurrence. It is further alleged through F.I.R. that the accused persons, were in age group of 25-26 years, were talking in local language.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is implicated falsely with present case and same is apparent from the fact that he is 73 years old, wherein it is categorically alleged through F.I.R. that accused persons were in age group of 25-26 years. It is submitted that the alleged recovered cash from the house of petitioner is the cash of joint family which was received out of land sale vide sale deed no. 15398 dated 02.12.2021. It is further submitted that in want of details and denominations of alleged looted currency note, it cannot be said that the recovered currency note is the same note which has been alleged to be looted from the bank. It is also submitted that after alleged recovery of cash of Rs. 4,00,000/- (Rupees Four Lac only), subsequently, a confessional statement of petitioner was obtained to implicate with present case. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this



case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered cash currency note, in want of any details and denominations, cannot connect petitioner, *prima facie*, with alleged looted currency note from bank as to suggest his present implication, *prima facie*, coupled with the fact that petitioner is in custody since 02.12.2021, where charge-sheet has already been submitted, accordingly, the petitioner, above named, is directed to be released on bail in connection with Sultanganj P.S. Case No. 220 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XIII, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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