

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15853 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- KISHANGANJ District- Kishanganj

Kurban @ Md. Kurban Son Of Zaynal @ Jaina Alam R/O Vill.- Dakshin
Chhipi, P.S.- Goal Pokhar, District - Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 409, 420, 120(B)/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the
petitioner along with other F.I.R named accused persons
have robbed the cash of Rs. 2.03 crores from the cash
van which was supposed to be used for loading the cash
in S.B.I A.T.M.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and he has falsely



been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up during the course of investigation. The petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the looted cash or the member of the miscreants. The petitioner is languishing in custody since 18.09.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that from perusal of para 83 of the case diary, it appears part of the robbed cash amount to Rs. 14 lakhs, 79 thousands, and a motorcycle used for robbery have been recovered from the house of the petitioner and this petitioner has also confessed his guilt. The other witnesses have also supported the case of the prosecution.



Considering the fact that part of robbed cash and motorcycle used for robbery have been recovered from the house of the petitioner, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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