

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20099 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- BEERPUR District- Begusarai

Ayush Kumar @ Golu Son Of Late Binay Ray Resident Of Village - Mortar,
Ward No. 2, P.S.- Gadhpora, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Birpur P.S. Case No. 146 of 2022 registered on
27.01.2022 for the alleged offences under Sections 394, 397,
307 of the Indian Penal Code and Section 27 of the Arms Act.

04. As per prosecution case, while the informant was
returning after withdrawing Rs. 2,47,000/- from the bank, which
she kept in a bag already containing Rs. 10,000/-, three
unknown miscreants snatched the bag containing Rs. 2,57,000/-
at gunpoint and on resistance being shown, they shot at the
cousin father-in-law of the informant. The miscreants also took
away the mobile phone of the informant's cousin father-in-law.



The name of the petitioner transpired during investigation as one of the miscreants.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of petitioner came up in the confessional statement of co-accused Birju Paswan and except that, nothing has come on record about involvement of the petitioner in the alleged offence. The alleged recovery of Rs. 7,000/- and two mobile phones are not looted articles. Learned counsel further submits that the said recovery has been shown after nine days and the same cannot be taken as looted cash, which is a petty amount which anybody can keep with him. Moreover, the mobile phones belong to the petitioner and are not looted article. The petitioner has not been put to any Test Identification Parade. The co-accused person, namely, Sunil Kumar has been granted bail by a Co-ordinate Bench vide order dated 29.04.2023 passed in Criminal Misc. No. 16582 of 2023. The petitioner is in custody since 06.11.2022 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner has got criminal antecedent and he is the accused of robbery as well as Arms Act cases.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that recovery shown from the petitioner appears to be quite normal and may not be connected with the offences as alleged and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class-cum-Addl. Musif/concerned court, Begusarai in connection with Birpur P.S. Case No. 146 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The learned trial court would verify the IMEI number of mobile phones recovered from the petitioner that mobile phones are not the looted mobile phones. In case, mobile phones are found to be the same which have been looted by the miscreants, the bail bond of the petitioner will not be accepted.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each



and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

