

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38179 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- KORHA District- Katihar

MD. TABARAK, Son of Md. Yunus, Resident of village- Zorganj, P.S.-
Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 07-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Korha P.S.
Case No. 114 of 2022 registered for the offence punishable under
Sections 392 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, three unknown persons have
looted the informant of her cash belongings (Rs.16,30,000/-).

Learned counsel for the petitioner submits that petitioner
has been implicated based on statement of co-accused Guddu Kumar,
recorded in police custody. The implication is based on extraneous
considerations. The alleged recovery of Rs.1,75,000/- from the
petitioner is the amount of cash being sale proceeds of some Maize
crops, sold by the petitioner. Recovery of the loaded country made



pistol is denied and disputed. Having no antecedent, the petitioner, under these circumstances, has remained in custody since 14.03.2022. Till date, the petitioner has not even been put on test identification parade. Other co-accused persons have been allowed bail in *Cr. Misc. Nos. 35179 of 2022* and *36054 of 2022*. Moreover, investigation is also complete.

Learned APP for the State has opposed the prayer for bail. It is submitted that the confessional statement of co-accused Guddu Kumar, based on which the petitioner was arrested, stands corroborated by recovery of the amount of Rs. 1,75,000/- from the petitioner's possession. The petitioner's case is not similarly situated as the petitioners of *Cr. Misc. Nos. 35179 of 2022* and *36054 of 2022*.

Considering the rival submissions, the seizure memo and the distinguishing features with co-accused persons who have been allowed bail, for the present, this Court is not inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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