

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.44288 of 2022

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

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BHAGDEO RAI SON OF JALANDHAR RAI R/O VILLAGE-
KHAJBATTI, P.S.- BIDUPUR, VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 454 of 2021 arising out of Hajipur Town P.S. Case No. 1052 of 2019 registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 23.11.2019 at about 12:35 P.M., 6-7 unknown miscreants had entered the Muthoot Finance company branch at Hajipur and had looted 57.777 kg. of gold ornaments and cash amount of Rs. 50,000/- on gun point as also had snatched the mobile phones of the employee of the said company.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he



has been falsely implicated in the present case. It is further submitted that the petitioner has been remanded in the present case on 16.03.2021. The learned counsel for the petitioner has also submitted that only because the petitioner is having a bad antecedent, his name has been roped in the present case upon confessional statement of one Nishant Jha @ Baba, however, the fact remains that the looted gold ornaments have not been recovered from the possession of the petitioner. It is next submitted that similarly situated co-accused persons have been granted bail by Co-ordinate Benches of this Court. Lastly, it is submitted that though seven persons were identified in the C.C.T.V. footage to be the miscreants, who had committed the said dacoity in question, however, the petitioner is not one of them.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been identified to be the perpetrator of crime qua the present case nor any recovery of the looted gold ornaments has been effected from the petitioner, though I deem it fit and proper to enlarge the petitioner on bail, however, only upon framing of charge by the learned trial court, considering his bad antecedent, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Additional Sessions Judge-V, Vaishali at Hajipur in connection with Sessions Trial No. 454 of 2021 arising out of Hajipur Town P.S. Case No. 1052 of 2019.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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