

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48671 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MURLIGANJ District- Madhepura

Manoj Sah @ Monoj Sah, S/O Sri Brij Bihari Sah, R/O Village- Jankinagar
Ward No. 11, P.S.- Jankinagar, Dist. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. As prayed for, learned counsel for the petitioner is permitted to make necessary correction in para 23 of this petition during course of the day.

3. Petitioner seeks regular bail in connection with Murliganj P.S. Case No. 38 of 2023 dated 30.01.2023 registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

4. As per the prosecution, the informant alleged that this petitioner along with three other co-accused persons took away his *Tab, Biometric machine* and Rs. 1,21,165/- from the dicky of his motorcycle on point of pistol.



5. The main submissions advanced by learned counsel for the petitioner are that the present matter relates to the offence of loot and the petitioner is named in the FIR and against him there is allegation of being involved in the said crime and as per the prosecution's story, he was apprehended on chase just after the commission of the alleged occurrence and from his possession the informant's *Tab*, which is stated to be a looted article, was recovered but as per the allegation, informant's bag containing a *Tab*, *Biometric Machine* and Rs. 1,21,165/- was looted by the accused persons and all these things were kept in the said bag, hence the other things kept in the bag must have also been recovered from the possession of this petitioner if there is any substance in the said recovery and the said fact is sufficient to cast a serious doubt in the prosecution's allegation. Further submissions are that as per the FIR, the alleged occurrence took place on 30.01.2023 at 3:20 P.M. and as per the prosecution, the petitioner was apprehended immediately after the commission of the alleged occurrence but the FIR was lodged as a typed application on the same day at 5:30 P.M. and the said fact creates a serious doubt in the prosecution's story, in fact the informant is a businessman of crops and the petitioner is a farmer and in between them, there is business transaction since long and there is also a dispute regarding the payment for the crops in



between them, owing to the said reason the informant prepared a false story and lodged the present FIR. Further submissions are that the petitioner has no criminal antecedent and has been languishing in jail since 31.01.2023.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Heard both the sides and perused the FIR and order impugned. The instant matter relates to loot of *Tab, Biometric Machine* and Rs. 1,21,165/-, which were kept in a bag, from the possession of the informant by the accused persons and the petitioner was apprehended on chase just after the commission of the alleged occurrence and the looted *Tab* was recovered from the possession of this petitioner. Considering the nature of allegation as well as recovery of the looted article (*Tab*) from the possession of this petitioner, this Court is not inclined to accept the petitioner's bail prayer. Accordingly, his bail prayer stands rejected.

8. However, considering the petitioner's fair and clean antecedent, he is given a liberty to renew his bail prayer after framing of charge.

(Shailendra Singh, J)

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