

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52153 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- HARNAUT District- Nalanda

PIYUSH KUMAR @ PIYUSH RAJ SINHA Son of Ashwani Kumar Sinha
Resident of village - Patna City, P.S. - Chowk, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Harnaut P.S. Case No. 287 of 2023 registered under Section 392 of the Indian Penal Code lodged on 17.05.2023 by the informant, Rahul Kumar.

As per the prosecution story, the informant is the employee of one Mangalmani Jewellers, Bakarganj, Patna and the shop owner had given Rs. 5,50,000/- for purchasing jewellery from Kolkata. They were moving in a car of the shop owner when it is alleged that they were intercepted by some persons in police uniform and took away the money and made a videos of them, threatened of dire consequences and thereafter allowed them to leave the place. In between, those in the car



also talked to the shop owner and apprised him about it. It was followed by the FIR

Subsequently, investigation took place and on the basis of the confession of the Driver, huge recovery took place *inasmuch* as from the:

- (i) Driver, Arun Kumar Patel - Rs. 10 lakhs
- (ii) Kismat Kumar - Rs. 12 lakhs
- (iii) Deepak Kumar - Rs. 4.5 lakhs
- (iv) Piyush Kumar
(petitioner) - Rs. 6 lakhs

were recovered.

The contention of the learned counsel for the petitioner is that against the accusation of loot of Rs. 5.50 lakhs, the police has recovered Rs. 32.50 lakhs which is improbable. He was residing with his Aunt who was working and as such, the said amount recovered cannot be claimed to be the looted one. The Further submission is that confessional statement of the accused persons on the basis of which he has been picked up, amount recovered, that cannot be the ground for his implication.

Learned APP for the State opposes the prayer for bail stating that there has been recovery from his house and



according to the investigation, he was also communicating with the accused persons.

Though, *prima facie*, this Court was initially not persuaded to extend any relief to the petitioner on the ground that he was part and parcel of the said loot of the huge amount which was *bona fide* given by the shop owner to his salesman/driver for purchase of jewellery from Kolkata, taking into account the fact that the petitioner is a student of Patliputra University and is a Graduate pursuing MCA, he do not have criminal antecedent, is in custody since 02.06.2023 (as stated in paragraph-18 of the petition), this Court is inclined to grant him privilege of bail after the framing of charges.

Let the petitioner be released on bail after the framing of charges on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 287 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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