

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59001 of 2022

Arising Out of PS. Case No.-856 Year-2021 Thana- NAGAR District- Vaishali

AKASH KUMAR @ AKASH SON OF NARESH PASWAN @ NARESH
BHAGAT R/O VILLAGE- HATHSARGANJ, NAKA NO.-03, P.S.-
HAJIPUR TOWN, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 856 of 2021, registered for the offence punishable under Sections 395, 397 and 412 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 23.10.2021 at about 6:50 P.M., four miscreants, armed with pistols, had suddenly entered inside the shop of the informant and upon gunpoint, they had looted 1.25 kg. gold ornaments, valued at Rs. 55 lacs, diamond



jewellery, valued at Rs. 40 lacs, gold ornaments, worth Rs. 77 lacs(1.75 kg.) and a sum of Rs. 3 lacs. It is also alleged that the said miscreants had also taken away a sum of Rs. 20,000/- from a customer as well as a gold chain, valued at a sum of Rs. 90,000/- from the mother of the informant, who was present in the shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 10.01.2022. It is submitted that the petitioner is an accused only in one other criminal case. It is also submitted that the petitioner has explained the recovery made from his house in paragraphs no. 7 to 9 of the present petition.

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

I have heard the learned counsel for the parties and gone through the material available on record as also the impugned order dated 19.07.2022 from which it is apparent that the



vehicle, used in the commission of offence, was recovered from the house of the petitioner along with some looted jewellery / articles, hence, this Court finds that the petitioner is prima facie having complicity in the alleged occurrence of dacoity, committed in the shop of the informant, thus, I am not inclined to grant bail to the petitioner, accordingly the present petition stands dismissed.

(Mohit Kumar Shah, J)

Ajay/Saurav

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