

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63259 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BIRAUL District- Darbhanga

Ajay Kumar @ Ajay Raj @ Abhijit @ Abhijit Patnabal Son Of Byas Bhagat
Resident Of Village - Khajuriya, P.S.- Govindganj, District - East Champaran
Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Biraul P.S. Case No. 122 of 2022 (Session Trial No. 607 of 2022) registered for the offence punishable under Sections 395, 397, 412/120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR and is in custody since 27.06.2022.

4. Allegation against the petitioner is to commit dacoity in Punjab National Bank, Supaul Bazar Branch, District – Darbhanga on 07.04.2022 and while committing so taken away cash worth Rs. 41,79,457/-.

5. It is submitted that the name of petitioner surfaced on



the basis of confessional statement of co-accused Md. Rahmat @ Sonu Raj @ Sumo, where nothing surfaced incriminating/recovered during the course of investigation as to suggest the prima-facie involvement of the petitioner with present occurrence of bank dacoity. It is pointed out that no T.I.P. was conducted till date. Learned counsel further pointed out that co-accused Rahmat, who named this petitioner in his confessional statement has already granted bail by this Court vide Cr. Misc. No. 75279/2022 dated 22.06.2023. While concluding argument, it is submitted that petitioner found involved in six more criminal cases where he is on bail in five cases and in maximum of the cases his name surfaced on the basis of confessional statement, as of the present case without having any connecting materials and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as save and except suspicion arises out of confessional statement of co-accused namely, Md. Rahmat



nothing surfaced against the petitioner as to connect him prima-facie with the present occurrence of bank dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.06.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Benipur at Darbhanga in connection with Biraul P.S. Case No. 122 of 2022 (Session Trial No. 607 of 2022), subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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