

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67740 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- SIMRI District- Darbhanga

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Anand Kumar Jha @ Anand Jha S/o Late Vashishth Jha R/v- Kharaj, P.O.-
Chhachha, P.S.- Keaoti, District- Darbhanga, Pin- 847337.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Advocate.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Kumod Kumar Shrivastaw, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Simari P.S. Case No. 127 of 2022, registered
for the offence punishable under Section 392 of the Indian Penal
Code. Later on, charge-sheet has been submitted under Sections
397, 395, 412 and 120B of the Indian Penal Code.

As per the prosecution case, while the informant, who
is said to be employee of Kalpvriksh Service Pvt. Ltd. Co. was
going on his pickup van carrying the goods, in the meantime, he



was intercepted by unknown miscreants and all of them looted the goods worth of rupees more than thirty-nine lakhs and fled away.

Learned counsel appearing on behalf of the petitioner submits that that FIR has been instituted against unknown miscreants, however, during the course of investigation one co-accused Raushan Kumar was apprehended and certain incriminating material has been recovered from his house. As the petitioner being brother of co-accused Raushan Kumar, who was present at the time of alleged raid, he has also been made accused in this case, though the petitioner has no concern with the present case, which fact also fortified for the reasons that the petitioner having fair antecedent. He further submits that though the petitioner is in custody since 16.07.2022 but neither he has been put on test identification parade nor any incriminating material has been recovered from his person or possession. He next submits that on being arrested confessional statement has been recorded by the police and save and except the confessional statement there is no other material suggesting his complicity.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the



looted articles have been recovered from the possession of the brother-in-law of the petitioner, and he was found present in his house.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged looted articles have been recovered from the brother-in-law of the petitioner and till date he has not been put up on test identification parade, coupled with the fair antecedent and his custody for over a period of more than seven months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga / concerned Court, Darbhanga in connection with Simari P.S. Case No. 127 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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