

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71857 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Ashish @ Ashish Bind @ Roushan Bind @ Ramband Bind @ Ashish Kumar,
S/o Bishundev Mahto @ Bishundeo Mahto R/o Village- Belthu, P.S.-
Shahkund, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sessions Trial No. 539 of 2022 arising out of Jagdishpur P.S. Case No. 96 of 2022, registered for the offence under Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 16.03.2022.

The allegation against the petitioner is to commit robbery alongwith other co-accused persons and while committing so taken away cash of Rs. 7.25 lacs belongs to informant, while



he was going to deposit the money with bank.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovered cash on first instance cannot be said to be recovered from physical possession of this petitioner because the alleged motorcycle was jointly occupied by three co-accused persons. It is also pointed out that alleged looted currency note is without any details and denominations and in want of same it cannot be connected with the occurrence of robbery. It is also submitted that a separate case of Arms Act was also lodged where petitioner is on bail. It is also submitted that during the course of investigation, petitioner was not put on TIP and moreover nothing incriminating material surfaced during the course of investigation which may connect petitioner with present occurrence. It is also pointed out that person who accompanied with informant failed to identify petitioner before learned trial court. It is also submitted that altogether two witnesses were examined before the learned trial court where trial is not likely to be conclude in near future.

Learned APP, while opposing the prayer of bail fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as looted currency note is without any details and de-



nominations to match with recovered currency note as to connect petitioner with present occurrence of robbery, let the petitioner, above named, is directed to be released on bail in connection with Sessions Trial No. 539 of 2022 arising out of Jagdishpur P.S. Case No. 96 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-XVII, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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