

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67859 of 2022**

Arising Out of PS. Case No.-152 Year-2022 Thana- KHAJAULI District- Madhubani

MD. GULAB @ MD. GULAB ANSARI Son of Md. Riyasat Ansari Resident
of Village- Bhakua, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Khajauli
P.S. Case No. 152 of 2022 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.08.2022.

The allegation against the petitioner is to commit
dacoity, along with other co-accused persons, in the shop of
informant and, while committing so, taken away cash of Rs.
3,25,000/-, 1½ (bhar) gold made ornaments and 250 Gms silver
made ornaments.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced, during the course of investigation, on the basis suspicion, without having any connecting evidence, for the reason that petitioner found involved in four (4) criminal cases, where he is on bail. It is submitted that no TIP was conducted, as yet. It is further submitted that recovered amount of Rs. 45,000/- and mobile as alleged belongs to the petitioner. It is also submitted that in wants of any details and denominations of alleged recovered currency note, it is not safe to connect petitioner, *prima facie*, with the present occurrence of dacoity. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovered currency note is without any details and denominations to connect the petitioner, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khajauli P.S. Case No. 152 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 Chief Judicial Magistrate, Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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