

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75279 of 2022

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

Md. Rahmat @ Sonu Raj @ Sumo Son Of Md. Ayub R/V- Sihama, P.S.-
Khodawanpur (Chhourahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, P.N.B., Branch Supaul Bazar P.S. Biraul, District-
Darbhanga Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Advocate
	:	Mr. Pranav Kumar, Advocate
	:	Mr. Bhubneshwar Mahto, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP
For the Opposite Party 2	:	Mr. Vasant Vikas, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

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

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.06.2022.

The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons 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/- (Rupees Forty One Lakh Seventy Nine Thousand Four



Hundred and Fifty Seven).

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case during the course of investigation on the basis of suspicion as raised out of his mobile tower location, which was found with same locality, when occurrence took place. It is submitted that on the basis of aforesaid suspicion a confessional statement of petitioner was recorded, where in furtherance of Rs. 1,45,000/- (Rupees One Lakh Forty Five Thousand) was alleged to be recovered from his house. It is pointed out that alleged recovered cash belongs to petitioner as his father withdraw the same amount as a bank loan. It is submitted that looted currency notes is without any details and denominations and in absence thereof, alleged recovered currency notes of Rs. 1,45,000/- (Rupees One Lakh Forty Five Thousand) cannot be connected with same looted money as to implicate petitioner with present occurrence. It is also submitted that petitioner was not put on T.I.P., as yet. While travelling over the argument it is submitted that similarly situated co-accused, namely Ganga Ram Mukhiya, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 52692 of 2022 vide order dated 04.05.2023. While concluding the



argument, it is submitted that petitioner found involved in five more criminal cases, where he is on bail in three cases and moreover, investigation of this case has already completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of bank, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except confessional statement, where alleged recovered currency notes from the petitioner is without details and denominations, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 02.06.2022, let above named petitioner is directed to be released on bail in connection with Biraul P.S. Case No.122 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 Additional Chief Judicial Magistrate-I, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing



which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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