

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14917 of 2024

Arising Out of PS. Case No.-37 Year-2017 Thana- UJIYARPUR District- Samastipur

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Ashutosh Kumar Jha @ Ashutosh Jha S/o Late Braj Kishore Jha Resident of
Village Sahpur pagra, P.S.-Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel appearing on behalf of
- the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and
- apprehending his arrest in connection with Ujiyarpur P.S.
- Case No. 37 of 2017, registered for the offences punishable
- under Section 392 of the Indian Penal Code.
3. The allegation against above named petitioner is
- to commit robbery and while committing robbery, looted gold
- made jewellery of Rs. 1 lacs have in possession of informant
- alongwith co-accused persons.
4. Learned counsel appearing on behalf of the



petitioner submitted that apprehended co-accused, namely, Rahul Kumar @ Rajesh, through his confession in police custody, named this petitioner, whereas other apprehended co-accused, namely, Sajan Kumar @ Sajan Pasi, did not name this petitioner and in view of same, involvement of petitioner appears very doubtful during occurrence. It is submitted that no independent witnesses were examined during investigation as to suggest involvement of petitioner in the occurrence. It is submitted that the cousin brother of petitioner, namely, Vikash Kumar is a veteran criminal and for that reason his name was dragged with present occurrence of robbery. While concluding argument, it is submitted by learned counsel that petitioner found involved in five more criminal cases.

5. Learned APP while opposing the prayer of bail submitted that petitioner found involved in five more criminal cases of similar nature and on the basis of submission as advanced by learned counsel appearing for the petitioner at this stage, it cannot be said that petitioner was not involved in occurrence as alleged. While concluding argument, it is



submitted that investigation of this case is still open *qua* petitioner.

6. Considering the facts and circumstances and by taking note of fact as petitioner found involved in five more criminal cases of similar nature, accordingly, the prayer of anticipatory bail of petitioner is rejected herewith.

7. The observation as made above, if any, shall be of no bearing while deciding the prayer of regular bail of the petitioner before the trial court.

(Chandra Shekhar Jha, J)

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