

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23629 of 2024

Arising Out of PS. Case No.-1651 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

KISHAN KUMAR GUPTA @ KISHAN GUPTA S/O UMA SHANKAR
PRASAD R/O VILLAGE- JURA PAKRI, P.S- RAMNGAR, DISTT.- WEST
CHAMPARAN (BETIAH).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34649 of 2024

Arising Out of PS. Case No.-1651 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Irfan Ali Son of Sakil Ahmad R/o Village Ward No.-13 Bankat, and Post-
Chanpatiya, Dist.- West Champaran, Bihar-845449.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23629 of 2024)

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Rajesh Kumar

(In CRIMINAL MISCELLANEOUS No. 34649 of 2024)

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 09-07-2024 Heard the learned counsel for the petitioners as well
as the learned Additional Public Prosecutor for the State.

2. The petitioners are seeking regular bail in
connection with Ahiyapur P.S. Case No. 1651 of 2023,
registered for the offences punishable under Section 349 of the
Indian Penal Code.

3. As per allegation, on 06.12.2023, the informant
Rupak Sharma (Branch Manager) handed over the key of locker



to the petitioner (Kishan Kumar Gupta, who is a cashier) and went to his home. On 07.12.2023, this petitioner (cashier), with the help of his associates, was counting cash in the room. Thereafter, two unknown persons equipped with pistol and knife came there and started assaulting the informant and looted out cash of Rs. 38,00,000/- as well as four mobile phones.

4. Learned counsel for the petitioner Kishan Kumar Gupta has submitted that he is a cashier of the Branch. He has falsely been implicated in this case. Nothing was recovered from his possession. His name has figured in confessional statement of co-accused Irfan Ali (petitioner) in Cr. Misc. No. 34649 of 2024.

5. Learned counsel for the petitioner Irfan Ali has submitted that the confession of the petitioner before the police is not admissible in the evidence.

6. On the other hand, learned APP for the State has opposed the prayer for bail.

5. On the basis of confessional statement of the petitioner Irfan Ali, the robbed currency notes were recovered from house of his father-in-law, as such, the confession is leading to recovery.

6. It has been mentioned in paragraph no. 35 of the



case diary in the day of occurrence i.e., 06.12.2023 at about 12:00 A.M., there was conversation between Irfan Ali and Kishan Kumar Gupta.

7. Considering the above-mentioned facts and circumstances, I am not inclined to grant bail to the petitioners, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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