

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27729 of 2024

Arising Out of PS. Case No.-379 Year-2020 Thana- MAHUA District- Vaishali

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Birju Shah S/O Shivajee Shah R/O Village- Ghatho, P.S- Ghatho O.P, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Rai

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 Heard learned counsels appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Mahua P.S. Case No. 379 of 2020 registered for the

offence under Section 392 of the Indian Penal Code and

under Section 27 Arms Act

3. The accused/petitioner is named in the F.I.R.

and is in custody since 27.09.2023.

4. The allegation against this petitioner is to

commit robbery along with other co-accused persons, in

the shop of informant running jeweler shop in the name

of "Hari Om Jewelers" and while committing so, taken



away, different jewelry, made up of gold and silver, having total value of Rs. 4,00,000/- (Rupees Four Lac Only) and cash of Rs. 2,000/- (Rupees Two Thousand Only).

5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused Rajesh Sahni, in furtherance of which no incriminating material recovered/surfaced during the course of investigation as to connect the petitioner with crime in question. It is submitted that said co-accused Rajesh Sahni have been granted bail by this Court through Cr. Misc. No. 44551 of 2022 dated 14.12.2022. It is also submitted that the petitioner was not put on TIP. While concluding argument it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.



6. Learned APP opposed the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and accept suspicion arises out of confessional statement of co-accused Rajesh Sahni, nothing incriminating appears as to connect the petitioner *prima-facie* with alleged occurrence of robbery moreover charge-sheet has already been submitted in this matter, where the petitioner is in custody since 27.09.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 379 of 2020 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 Additional Chief Judicial Magistrate Vaishali at Hajipur/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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