

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35516 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Jakir Son of Salim Resident of village - Sulindabad, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-07-2024 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 63 of 2024 registered for the offences under Section 394 of the I.P.C. and later on added Section 411 of the I.P.C. read with Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. The petitioner not named in the F.I.R. and is in custody since 20.01.2024.

4. The allegation against the petitioner is to commit robbery and while committing so, taken away cash of Rs.32,000/- which belongs to informant and also to open fire along with other co-accused persons causing fire arm injury to the informant during the occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case during the course of investigation out of confessional statement of co-accused namely, Deepak Kumar, in furtherance of which no incriminating material recovered/surfaced as to connect the petitioner *prima facie* with the present occurrence for robbery. It is also submitted that the recovered amount of Rs.2,700/- was of petitioner's and same also cannot be said looted money in want of any details and denominations. The search of house also appears without compliance of Section 100(4) of the Cr.P.C. While concluding the argument, it is submitted that the co-accused, namely, Deepak Kumar, who named this petitioner during his confession, has already granted bail by this Court vide order dated 12.06.2024 passed in Cr. Misc. No. 41032 of 2024. Moreover, this petitioner was also not put on T.I.P. It is further submitted that investigation of this case has been completed and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above, as save and except suspicion, where recovery of cash *prima facie* cannot be said the same looted currency, due to want of details and denominations, accordingly, petitioner, above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 63 of 2024 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, Saharsa/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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