

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44378 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Akub Singh @ Yakub Singh, aged about 38 years, Gender-Male, S/o Jon Singh, R/o vill – Jurabganj, Ward No. 1, P.S. - Kodha, Distt. - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raju Kumar, Advocate
For the Opposite Party : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 68 of 2024, arising out of Sadar P.S. Case No. 801 of 2023 dated 17.08.2023 registered for the offences punishable under Sections 356 and 379 of the I.P.C.

3. The prosecution case, in short, is that on 17.08.2023 at about 11.40 A.M., the informant alongwith his companion withdrew Rs. 8,00,000/- (Rupees Eight Lacs) from the S.B.I. Bhagwanpur Branch, near the Sadar Police Station, Muzaffarpur and as soon as they came out from the bank, two unknown miscreants boarded on one pulsar motorcycle who covered their faces, snatched the bag containing the said amount and fled



away towards *Gobarsahi* through the Highway. The informant and his companion chased them but they could not be apprehended.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. His name has transpired in the present case during the course of investigation on the basis of the confessional statement of the co-accused which got no evidentiary value in the eye of law. Nothing incriminating or looted amount in question has been recovered from the possession of the petitioner. The petitioner has not been put on T.I. Parade till date. The petitioner has no concern with the alleged offence. The petitioner was not seen at the place of occurrence on the alleged date and time of the occurrence. It is further submitted that the picture of the petitioner was also not found in CCTV footage. It is further submitted that the looted amount in question has been recovered from the lodge of one Arvind Kumar, Dumri, and for which one another case bearing Sadar P.S. Case No. 803 of 2023 has already been lodged by police. The petitioner has been remanded in the present case from Sadar P.S. Case No. 803 of 2023. It is further submitted that for the



same offence, two cases have been lodged by the police and in both cases, the petitioner has been made accused which is not permissible in the eye of law. The other co-accused Gopal Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. No. 44104 of 2024 under order dated 08.08.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 18.10.2023.

5.Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody of the petitioner, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Muzaffarpur in connection with Sessions Trial No. 68 of 2024, arising out of Sadar P.S. Case No. 801 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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