

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62644 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- ALAMGANJ District- Patna

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1. Manish Kumar, aged about 26 years, Male Son of Ambika Prasad @ Ambika Kumar.
 2. Anish Kumar, aged about 29 years, Male Son of Ambika Prasad @ Ambika Kumar.
Both Resident of Village-Parwati, P.S.-Kashichak, District-Nawada, and at present Mohalla-Asha Nagar, P.S.-Sohsarai, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Alamganj PS Case No. 309 of 2023 instituted for the offences punishable under Sections 407 and 409 of the Indian Penal Code.

3. As per the prosecution case, it is a case of misappropriation of huge amount of money.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case merely on the basis of



suspicion. It has further been submitted that the petitioners who are own brothers are pursuing their competitive examination for getting jobs, however he remained engaged in the treatment of their youngest sister in AIIMS, Patna who was suffering from breast cancer and for their treatment, the elder sister of the petitioners had given Rs. 9,00,000/- (Nine Lac) as personal loan from the SBI Bank. Learned counsel for the petitioners further submits that Rs. 1,55,000/- (One lakhs fifty five thousand) was recovered from the possession of the petitioners was a loan amount which was kept for better treatment of his youngest sister.

5. Learned APP opposes the prayer for bail and submits that huge amount of money has been recovered from the possession of the petitioners.

6. From perusal of the case diary, FIR, and the impugned order dated 16.08.2023 passed by the learned 1st Additional District and Sessions Judge, Patna City, Patna it appears that the name of the petitioners have been surfaced from the confessional statement of co-accused namely, Sonu Kumar and Dilip Kumar. In the case diary, the driver Suraj Kumar was talking to one another co-accused Manish Kumar. The total looted amount is Rs. 1,75,13,600/- which was in the



cash van.

7. From perusal of the case diary, seizure list and confessional statement of the petitioners recorded in the case diary in which they have confessed the occurrence of the crime in para nos. 60 and 61. Four mobile phones have been recovered from Manish Kumar bearing Nos. 9471661301, 9523566965 and Anish Kumar bearing nos. 9608505012 and 7209377333 from the possession of the petitioners, both son of Ambika Prasad @ Ambika Kumar and also cash of Rs. 1,55,000/- have been recovered from the house of the petitioners, which is evident from the seizure list and one Apache motorcycle has also been recovered. The statement of the informant recorded in para-2 of the case diary, it appears that he has fully supported the prosecution case. Custodians Sonu Kumar and Dilip Kumar in the case diary have also fully supported the case of the prosecution. After investigation, the police have found the case true and submitted chargesheet against the petitioners. Petitioners are in custody since 22.04.2023. In this circumstances, it appears that the involvement of the petitioners is crystal clear, I am not inclined to grant bail to the petitioners.

8. Prayer for regular bail of the petitioners are hereby



rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of this order. If the trial is not concluded, the petitioners shall be at liberty to renew their prayer for bail in the trial Court.

(Ramesh Chand Malviya, J)

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