

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68794 of 2023

Arising Out of PS. Case No.-320 Year-2020 Thana- DARBHANGA District- Darbhanga

Manoj Kumar Ray S/O Rameshwar Ray R/O Village-Jitwarpur P.S.-Mufassil,
Dist-Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 05-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with S.T.

No. 177 of 2023 arising out of Town P.S. Case No. 320 of

2020 instituted for the offences under Sections 395, 397 of

the Indian Penal Code .

3. The Informant alleged that in the morning of

09.12.2020 at about 10.00 AM., as he opened his jewellery

shop, namely, *Alankar Jewellers*, five miscreants having

pistol in their hands, entered into the shop and on the gun

point, looted Rs. 2,19,000/- cash along with gold jewellery

worth Rs. 5,35,15,040/- as well as diamond jewelry worth



Rs. 10,22,288/- and fled away on two motorcycle towards north.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has no concern with the alleged occurrence. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation on the basis of the confessional statement of the co-accused Rabindra Sahni who has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 67144 of 2022. Nothing incriminating has been recovered from the conscious possession of the petitioner. So far as the recovery of jewelry from the house of the petitioner is concerned, it is stated that the same has been recovered in absence of the petitioner rather in presence and disclosures made by the co-accused wife Chandrakala Devi and Sita Devi, mother of the petitioner who has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.03.2022 passed in Cr. Misc. No.



33552 of 2021. The petitioner has not been put for any T.I.P. The petitioner has seven criminal antecedents out of which in six of them, he is on bail. The petitioner is languishing in judicial custody since 09.01.2022 and charge-sheet has been submitted in this case.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the prayer for bail based on parity, let the petitioner, abovenamed, be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. No. 177 of 2023 arising out of Town P.S. Case No. 320 of 2020.

(Rudra Prakash Mishra, J)

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