

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72119 of 2024

Arising Out of PS. Case No.-419 Year-2021 Thana- KAHALGAON District- Bhagalpur

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Kundan Saw @ Kundan Sah Son of Ramprit Prasad @ Dashrath Saw @
Ramvarat Prasad Sah Resident of Mirjanhaat, Warsaliganj, P.S. -
Mojahiddpur, District - Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kahalgaon P.S. Case No. 419 of 2021 dated 25.06.2021, lodged
under Sections 394 and 411 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four unidentified armed persons, who entered in
the house of the informant and looted gold and silver jewellery
amounting Rs.12 lakh and cash of Rs.1,88,000/-

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the name of the petitioner has figured in this case
by virtue of confessional statement only. He further submits that
police has inserted his name due to this reason that his



antecedent is not clean and there are in total four criminal cases pending against him, out of which he is on bail in one case and in rest cases, he is persuading for bail. He submits that the petitioner is in custody since 11.03.2024. He further submits that the petitioner has not been identified nor T.I.P. has been made in this case and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that not only one accused person rather almost all accused persons have confessed and this is not only confession rather corroboration also. As per those persons who confessed, the looted material has been recovered from the place where those persons have disclosed. He further submits that it is true that some of the accused persons have been granted bail by the Co-ordinate Bench of this Court as well as by this Court vide order dated 24.01.2023 and 18.01.2023 passed in Cr. Misc. No. 29745 of 2022 and Cr. Misc. No. 74736 of 2022 respectively.

6. Upon specific query of the Court that whether charge has been framed or not, learned counsel for the petitioner submits that he is not aware that whether charge has been framed in this case or not.



7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner and, therefore, his bail petition is hereby rejected.

8. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail three months after framing of charge.

(Dr. Anshuman, J.)

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