

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79714 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- HARNAUT District- Nalanda

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Kismat Kumar Son Of Late Sanjivan Singh Resident Of Village- Aga Hussain
Ka Chauraha, Santoshi Man Ki Gali, Patna City, Ps- Chouk, Distt- Patna And
Permanent Address Village- Alwalpur, Piyariya, Ps- Gauri Chak, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 392 of the
Indian Penal Code.

3. As per prosecution case, while the informant and
his driver was going by vehicle having cash Rs. 5,00,000/- for
the purpose of jewellery purchase, in the meanwhile some
miscreants dressed in police officials intercepted and assaulted
them. The miscreants also snatched cash Rs. 5,50,000/- and fled
away. The petitioner is alleged to have involved in this
conspiracy of loot.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather his name was transpired in the case on the basis of CDR Report, thereafter, he confessed his complicity in this allege occurrence, but self confession is not admissible in the eye of law. As per Supplementary Affidavit, the recovered cash i.e. 12 lakhs belongs to the petitioner and his sister. It is submitted that the petitioner had taken 6 lakh rupees from NAVI Finance Limited as personal loan and from the said amount he had withdrawn 4.35 lakh for treatment of his ill mother, and cash Rs. 6,85,000/- belongs to his sister as she had given him for the purpose of land purchase. The petitioner has got no criminal antecedent rather he is languishing in judicial custody since 2.6.2023. Moreover, other co-accused person has already enlarged on bail, granted by this Court vide order dt. 22.09.2023 passed in Cr. Misc. No. 60539 of 2023 which is evident from Annexure-2. It is further submitted that the charges have already been framed.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was put on TIP and he was identified in the identification parade.

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Harnaut P.S. Case No. 287 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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