

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48947 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -RAUTARA District- KATIHAR

Chhotu Poddar son of Barun Poddar resident of village D.S. College Kadampur, Police Station Katihar (N), District Katihar.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Meena Singh(App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 26-03-2015 Heard learned counsel for the petitioner as well as learned Additional P.P.

Seven unknown criminals by intercepting the driver as well as sales man on the pretext of firearm, snatched away Rs. 1,65000/- and during course thereof, they have also fired, but did not cause injury to any body.

It has been submitted on behalf of the petitioner that as he failed to grease palm of police, got him implicated in this case through the statement of the driver as well as sales man, lost its authenticity on account of having absence of his name in the fardebeyan, which has been recorded the basis of disclosure made by the Driver as well as sales man. It has also been submitted that nothing has been seized from the possession of the petitioner.

It is also submitted that so called inculpatory extra judicial confession of the petitioner is nothing but maneuvering by the

police, so submitted that the petitioner is entitled for bail.

At the other hand learned Additional P.P. opposes the prayer and submitted that during course of patrolling while police parties reached at the place of occurrence, they were known to the fact and on account thereof, chased the miscreants. During course thereof, the police party had seen a motorcycle being Registration No. BE 39 E0757, and the occupant thereof, seeing the police vehicle, sped away. Furthermore, the aforesaid vehicle was identified by the Driver as well as sales man used during course of commission of crime. During course of their statement, they identified the culprit including that of petitioner by voice and on account thereof, a raid was conducted at the house of the petitioner wherefrom, the vehicle in question was seized along with the petitioner.

Considering the aforesaid facts, for the present I do not see it is a fit case for grant of bail. Therefore, prayer of bail is rejected. However, petitioner will be at liberty to renew his prayer after examination of driver as well as salesman.

(Aditya Kumar Trivedi, J)

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