

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49551 of 2014

Arising Out of PS.Case No. -3 Year- 2014 Thana -SAHJAHANPUR District- PATNA

1. GUDDU RAJBANSHI @ GUDDU RAJVANSHI S/O BUDHSARI
RAJVANSHI RESIDENT OF VILLAGE - ARAI, P.S. -
DAUDNAGAR, DISTRICT- AURANGABAD.

2. DINESH PASWAN S/O LATE SRI RAM PASWAN RESIDENT OF
VILLAGE - BHARUB, P.S.- OBRA, DISTRICT - AURANGABAD.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 08-04-2015

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

Prosecution party who were travelling by Scorpio
stopped during midst of journey for replacement of wheel and
during thereof, were robbed of their belongings by the dacoits
on the pretext of firearm in between 02/03-02.2014.

It is evident that informant, Pradeep Kumar had
filed written report after going to Police Station at about 05:00
A.M. on 03.02.2014. After registration of the case the
Investigating Officer proceeded in investigation and came at
place of occurrence which happens to be about 05:00 KM away
from the Police Station. While the Investigating Officer was
inspecting the place of occurrence, the Officer-in-charge made
round and during course thereof, found so many persons
running away and perceiving their suspicious activities police



party chased them and three persons were apprehended while remaining managed to escape. On search, there happens to be recovery of firearms, cash, mobile set etc. in terms of seizure list (para-3).

It has been submitted on behalf of petitioners that it happens to be improbable to believe that after commission of the occurrence, the miscreants will stay near about place of occurrence to get themselves arrested. From the narration, as advanced it is apparent that during inspection of place of occurrence police party found these petitioners along with others near about the place of occurrence and so, apprehension of petitioner as well as having identified by the victims is nothing but maneuvering at the end of the police. Furthermore, instead of putting the petitioners on Test Identification Parade, the police, by the present methodology virtually frustrated the legal right of the petitioners to challenge the authenticity of process of identification. Not only this, the intentional act of the police is further evident from the conduct as, having identified to be culprit of instant case, petitioners were booked with regard to the recovery of firearms and after elapse of so many days, they have been remanded in this case. As such, it has been prayed that petitioners are entitled for bail.

The learned Additional Public Prosecutor opposed the prayer and submitted that activities of an individual be perceived by his own conduct.

In the background of criminal antecedent, petitioners are found daredevil and that being so, their presence near about the place of occurrence was not strange enough more particularly, the nature of offence which they committed just few hours ago. Apart from this, it is also apparent that all the victims were present and after apprehension of the petitioners they have pinpointed petitioners to be the culprit soon after the occurrence and on account thereof, there was no need to keep the petitioners on Test Identification Parade. Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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