

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41744 of 2016

Arising Out of PS.Case No. -226 Year- 2014 Thana -PHULPARAS District- MADHUBANI

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Vijay Yadav @ Vijay Marshal @ Vijay Kumar Yadav, Son of Ram Bilash
Yadav, resident of village- Phulpras, P.S.- Phulpras, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-12-2016 Heard both sides.

The petitioner seeks bail in Phulpras P.S. Case No.
226 of 2014 registered under Sections 394 and 307 of the Indian
Penal Code and Section 27 of the Arms Act.

The informant alleged that on 29.07.2014 he was
returning along with his father after collecting money from
customers. Near Village Shishwar, three criminals came on a
motorcycle and one of them fired which hit in the abdomen of the
informant and snatched Rs. 30,000/- from the possession of the
informant. Thereafter, the accused persons fled away.

Sri Vikramdeo Singh, learned counsel for the
petitioner, submits that the learned Sessions Judge referred
different paragraphs 5, 6, 7, 10, 23, 24, 25 and 27 of the case diary
and stated that the witnesses identified the accused persons while



committing highway robbery but none of the witnesses is the eye witness of the occurrence. In fact, the occurrence took place on 29.07.2014 but the investigating officer took the statements of Gopal Jain (father of the informant) and two others, namely, Shivji Rajbhar and Vasu Rajbhar and thereafter did not investigate the case. The investigating officer again started investigation on 19.12.2014 and took the statements of so-called independent witnesses, who are said to have seen the petitioner along with two other persons fleeing away on a motorcycle but the petitioner was not put on T.I.P. for the reasons best known to the investigating officer.

Learned A.P.P. opposed the prayer for bail and submitted that the petitioner has got criminal antecedents and he is accused in as many as 18 cases of similar nature.

From perusal of the records, it appears that the informant lodged the case against unknown. The investigating officer, on the same day, took statements of Lal Rajbhar (in para 5), Shivji Rajbhar (in para 6), Vasu Rajbhar (in para 7) and Gopal Jain, father of the informant who was also accompanying the informant, (in para 10) but all these four witnesses did not disclose name of any of the accused persons. Thereafter, the investigating officer stopped the investigation and on 10.08.2014, the



investigating officer received supervision note from the Deputy Superintendent of Police. Thereafter, no investigation was done and the investigating officer started investigation for highway robbery on 19.12.2014. The investigating officer got information from his spy that Vijay Marshal, Mukesh Kumar @ Munna Yadav and the third criminal of Buxar were seen together before the commission of crime. Thereafter, the investigating officer recorded the statements of many other witnesses, who are said to have disclosed that the petitioner was found fleeing away on a motorcycle immediately after the occurrence, but for the reasons best known to the investigating officer, the petitioner was not put on T.I.P.

Considering the facts, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in Phulpras P.S. Case No. 226 of 2014.

(Prabhat Kumar Jha, J)

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