

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15219 of 2016

Arising Out of PS.Case No. -323 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

Pritam Kumar, Son of Suresh Prasad Singh, Resident of village-Baniya,
Police Station-Gopalpur (Rangra), District Bhagalpur. Petitioner

Versus

The State of Bihar. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Pd.Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in custody since 21.07.2015 in connection with Kotwali (Barari) P.S. Case No. 323 of 2015 for the offences alleged under Sections 365 and 392 of the Indian Penal Code. Later on Section 411 of the Indian Penal Code has been added.

The prosecution case is that on 23.05.2015 while the informant was returning from Bhagalpur after having bought LED of Sony and while going back to his home, he came at Zero Mile Barari, Bhagalpur to catch the bus and when he was waiting for bus, in the meantime, one white Safari vehicle came and he was asked as to where he is to go, on which, he said that he would go to Pasraha and the occupant of the vehicle said that they are going to Begusarai and offered to come. It has further been stated that he



sat in the said vehicle and when they reached Zero Mile Naugachia, the driver of vehicle turned the vehicle towards Naugachia and when he questioned the vehicle persons, they began to assault him and they covered his eyes by patti and took him to some unknown place where they took away Rs. 4,000/- from his pocket and taken away Rs. 1000/- from ATM together with two mobile phones of Sony and Samsung. Then, after assaulting him, they dropped him on N.H. 31 near Samili at about 8.30 P.M. It has further been alleged that the criminals were four in number. It is also alleged that when he became aware about the white Safari vehicle from the Newspaper on 28.05.2015 with utter curiosity, he went to Naugachia Police Station, where he found the Jantar of Rudraksha of his neck, which was fallen during the snatching at the time of occurrence.

It has been submitted by the learned counsel for the petitioner that he is innocent, has not committed the aforesaid offence as he has not been named in the First Information Report but he has been brought on remand in another case, the informant has identified the petitioner and other co-accused. He submits that nothing has been recovered from his conscious possession and although the occurrence is alleged to have taken place on 23.05.2015 but the First Information Report has been lodged on

29.05.2015 and no plausible explanation has been given for such delay. He further submits that the petitioner is a student of B.A. Part-II of G.B. College, Naugachia and undertakes not to tamper with the evidence or abscond.

Learned A.P.P. for the State submits that there is specific allegation against the petitioner and the witnesses have supported the case of the prosecution, hence, opposes the prayer for bail.

Considering the period of custody and that nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 323 of 2015.

However, it is made clear that since the petitioner is involved in a number of cases of similar nature, if in future, the petitioner has been found indulging in a case of similar nature, the learned court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

Vats/-

U		T	
---	--	---	--