

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32369 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -RAMKRISHNANAGAR District- PATNA

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Rahul Kumar S/o- Sri Shailendra Sharma @ Shailendra Kumar Sharma,
resident of Village- Gokhula, P.S.- Bhagwanganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-07-2017

Heard learned counsel for the petitioner. No

one appears on behalf of the State.

Petitioner, in the present case, is seeking regular bail in connection with Ram Krishna Nagar P.S. Case No. 19 of 2017 registered for the offence punishable under Section 395 of the Indian Penal Code, pending before Sri Sukul Ram, learned Judicial Magistrate, 1st Class, Patna.

Learned counsel for the petitioner submits that from perusal of the First Information Report, it will appear that according to the informant, three persons entered in the cabin of the Truck and looted the informant and Khalasi by putting threat to their life, as all the three persons were armed with knife. It is alleged in the F.I.R. that all the accused persons were talking in Hindi and person who had



kept the knife on the chest of the informant was being called by his name Deepak Kumar. It is alleged that when all the accused persons were fleeing away by one Scorpio vehicle bearing no. BRO2J-5082, the informant and Khalasi raised *Hulla* on which all the accused persons started fleeing away leaving the Scorpio vehicle. In the meantime, the police party came and on chase apprehended the present petitioner on the spot and seized the Scorpio as well as mobile phones as per the seizure list available on the record.

Learned counsel for the petitioner placed two orders passed by coordinate Benches of this Court in Cr. Misc. No. 26602/2017 and Cr. Misc. No. 29441/2017 filed by Deepak Kumar and Rishi Kumar who have been granted privilege of regular bail vide order dated 22.06.2017 and 06.07.2017 respectively. Accordingly to learned counsel for the petitioner the case of petitioner is similarly situated and therefore he should be granted privilege of bail like other co-accused.

On perusal of the records, I find that petitioner was arrested on spot, he was involved in looting the informant and Khalasi by putting them under threat on their life and so far as the case of other two persons who have



been enlarged on bail are concerned, the coordinate Benches of this court has granted them bail because their names transpired in the confessional statement of this petitioner, thus, the case of the present petitioner is distinguishable.

In the facts and circumstances stated above, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, prayer for regular bail of the petitioner is hereby rejected.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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