

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13310 of 2019**

Arising Out of PS. Case No.-280 Year-2018 Thana- CHHAURADANO District- East  
Champaran

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Shashi Bhushan Kumar @ Sunny, son of Anil Prasad @ Anil Kumar, Resident  
of Village-Pipra, P.S.-Darpa, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

5      09-07-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Chhauradano P.S. Case No.280 of 2018 for the offence  
punishable under Section 395 of the Indian Penal Code.

The allegation as described in the First Information  
Report is that on 10.10.2018, while the informant was going on  
Scorpio vehicle to Chhauradano with 15 lakhs rupees, the  
informant felt that somebody is chasing his vehicle then he  
instructed his driver to drive fast but the driver did not drive the  
vehicle at high speed and on the contrary, he drove the same at  
low speed of 30-40 k.m. It is further alleged that thereafter 4-5  
miscreants stopped Scorpio, on the point of gun and looted



away Rs. 15 lakhs and mobile phone of the informant. The informant has alleged that driver of the vehicle in collusion of other miscreants have looted the amount in question. The name of petitioner has transpired on the basis of confessional statement of the driver in this case.

Learned counsel for the petitioner submits that petitioner has falsely been implicated inasmuch as he has no criminal antecedent and his name has come on the basis of confessional statement of co-accused, i.e, the driver, which has got no evidentiary value.

On the contrary, learned counsel for the State as well as learned counsel appearing for informant have submitted that the name of the petitioner has been disclosed by the driver of the vehicle who was instrumental in the loot of Rs. 15 lakhs belonging to the informant and the driver has disclosed the name of the petitioner as one of the conspirator in this offence and has explained the chain of events before the police.

It has further been submitted on the basis of the case diary that on the basis of confessional statement of the driver, CDR of the mobile phone of driver as well as this petitioner was taken out by the police and from the CDR report, it is evident that there was continuous talk of this petitioner with the driver



prior to the time of occurrence and after commission of the loot of the money of informant also. Accordingly, learned counsel for the State and informant submitted that it is not a mere confessional statement of driver but the same has been corroborated by the CDR and the petitioner was involved as a king pin of the offence and does not deserve the privilege of anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that in the CDR, there is evidence that the petitioner had continuous talk with the driver prior to the commission of offence and subsequent thereto also, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

**(Anil Kumar Sinha, J)**

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