

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.730 of 2017

Arising Out of PS. Case No.-661 Year-2012 Thana- KATIHAR District- Katihar

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1. Pintu Kumar @ Sudhanshu Prabhat Das @ Pintu Kumar Ram and Ors Son of Ram Bharat Das @ Ram Brat Das @ Bharat Ram
 2. Anshu Prabhat Das Son of Ram Bharat Das
 3. Santosh Kumar Son of Gopal Prasad
 4. Arvind Kumar Son of Sutohar Das
 5. Gonu Sah Son of Deep Narayan Sah
 6. Amit Kumar Rishi @ Amit Kumar Son of Nand Lal Rishi
 7. Sonu Kumar Son of Pradip Kumar Saha all residents of - Chhitabari , P.S. - Muffasil , District - Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Vikash Prasad Singh Son of Sudama Prasad Singh resident of Village and P.O. - Khawaspur, P.S.- Pirpanti , District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha-Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay-A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

During course of argument, learned counsel for the petitioners has confined his submission relating to petitioner no.1, whose name as per petition happens to be Pintu Kumar @ Sudhanshu Prabhat Das @ Pintu Kumar Ram, son of Ram Bharat Das @ Ram Brat Das @ Bharat Ram. In the written report, there happens to be disclosure of one Pintu Kumar at Serial No.7. Furthermore, one day prior to the date of occurrence of present case, the villagers also indulged in same kind of activity and for that, Katihar Town P. S. Case No.658 of 2012 was registered wherein the accused no.1 has been shown as Sudhanshu Prabhat Das, son of Ram Brat



Das. Contention of the petitioner is that from the affidavit having been filed, the petitioner happens to be the same person and so, from the arrest memo relating to Katihar Town P. S. Case No.658 of 2012, petitioner was already under custody before the time of occurrence shown in the present case that means to say, Katihar Town P. S. Case No.661 of 2012. The connectivity on the basis of an affidavit that too, with alias name could not be considered at the present moment that means to say, at the stage of Section 239 Cr.P.C.

That being so, this petition is found devoid of merit and is accordingly, dismissed.

However, petitioner will be at liberty to place that he happens to be the same person, who was apprehended relating to Katihar Town P. S. Case No.658 of 2012 on 29.09.2012 at about 6.00 P.M. that means to say, before alleged time of occurrence and if he succeeds, the learned lower Court will appreciate the same without being influenced by the instant order at the time of judgment.

(Aditya Kumar Trivedi, J)

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