

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45658 of 2019

Arising Out of PS. Case No.-261 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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RAJA KUMAR, aged about 30 years, Male, Son of Shambhu Choudhary,
Resident of Village Bheriyahi Salauna, P.S. Kanti, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2019 Heard both sides.

The petitioner apprehends his arrest in Kanti
(Panapur) P.S. Case No.261 of 2019, registered under Section
394 of the Indian Penal Code.

The informant disclosed in his written petition that
while he was returning from Maniphulkahan, some persons
came on black colour Pulsar motorcycle and they surrounded
the informant. The informant claimed to identify Raja Kumar,
the petitioner and Rahul Kumar. The accused persons attacked
him with sharp edged weapon and pistol and snatched his
Splendor Hero Honda Motorcycle bearing Registration
No.BR06M-1195, Rs.50,000/- kept in the dickey of the
motorcycle, Pass Book, Aadhar Card, Cheque Book and chain



made of gold from the neck of the informant.

Learned counsel for the petitioner submits that the petitioner is neighbour of the informant. The informant is not the owner of the motorcycle. The motorcycle belongs to the friend of the informant. It is further submitted that mother of the petitioner filed Complaint Case No.44 of 2019 against the petitioner, his wife and mother and disclosed that while the complainant was returning after taking clothes of her customers for washing and pressing, the petitioner, his wife and mother abused the complainant by naming her caste. It is further submitted that the informant did not receive any injury. One Saroj Pandey, who claimed to be an eye witness to the occurrence, disclosed in para 14 of the case diary that he saw two persons fleeing away from the place of occurrence. The informant claimed that four persons came on two motorcycles. Nobody has seen snatching of the motorcycle of the informant but it appears from perusal of the FIR as well as the evidence of the witnesses that the informant himself claimed that the petitioner and others surrounded him and attacked on him with sharp edged weapon and pistol. Thereafter the accused persons snatched his motorcycle, chain made of gold and fled away. The informant claimed to identify the petitioner and one



Rahul Kumar. The case lodged on behalf of the petitioner by his mother is in the form of complaint petition which was filed later on.

Taking into consideration the facts and nature of allegations made against the petitioner and the fact that there is allegation that the petitioner robbed the informant, his motorcycle and other belongings including cash, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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