

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80046 of 2018

Arising Out of PS. Case No.-668 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Nawin Kumar son of Kameshwar Singh, R/o village Murhana, P.S. Rajauli, District-Nawada, Sub Inspector of Police, Gopalganj Police Station, District Gopalganj. At present posted as Additional S.H.O., Chapra-Town Police Station, District – Saran.

2. Ramsewak Rawat son of Dhanai Rawat, R/o village Bhithi, P.S.-Bhithi, District-Siwan. The Officer in Charge of Majhagarh Police Station, District-Gopalganj, At present posted as Officer in Charge of Yadavpur Police Station, District Gopalganj.

... .. Petitioner/s

Versus

1. State of Bihar

2. Sujit Shukla son of Rambali Shukla, resident of Rajeev Nagar, Ward No.14, P.S.-Gopalganj, District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh
For the Respondent/s	:	Mr.Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.668 of 2017 registered under Sections 323, 341, 342, 379, 220, 504 and 34 of the Indian Penal Code.

The complainant alleged that the petitioners and others snatched different articles including ornaments and cash of Rs.2,45,000/- from possession of the complainant.

Learned counsel for the petitioners submits that the police intercepted the complainant with his Scorpio vehicle after



having received secrete information that the complainant was carrying illegal liquor. A huge quantity of liquor was recovered and the complainant was arrested, for which Gopalganj P.S. Case No.531 of 2016 was registered on 20.12.2016 and thereafter the complainant was remanded to custody. The complainant filed this case making allegation that the petitioners snatched money and ornaments from possession of the complainant.

Mr. Baxi S.R.P. Sinha, learned senior counsel appearing on behalf of the complainant, submits that after filing of complaint petition summon was issued to the petitioners. After finding prima-facie case, the Additional Chief Judicial Magistrate vide his order dated 04.12.2017 sent letter to S.P, Gopalganj for execution of non-bailable warrant issued against the petitioners. A copy of the order was also sent to the District and Sessions Judge, Gopalganj and the case was put up for appearance on 20.12.2017. It is submitted that the conduct of the petitioners shows that the petitioners do not deserve anticipatory bail.

Perused the record.

Admittedly, the complainant was arrested on 20.12.2016 while he was carrying liquor in his Scorpio vehicle



and remained in custody, for which Gopalganj P.S. Case No.531 of 2016 was registered under Section 414 of Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act. The complainant was released on bail by the order of learned Sessions Judge on 27.01.2017. Thereafter the complainant filed the complaint petition on 08.02.2017. The complainant did not complain about snatching of ornaments and cash from his possession at the time of his remand. The complainant did not even complain while he was in custody about the snatching of his valuables by the police. The complainant filed complaint petition on 08.02.2017 and it appears that thereafter the complainant was examined and prima-facie the case was found after enquiry on 16.05.2017.

Having considered the facts aforesaid and the nature of allegation made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gopalganj in connection with Complaint Case No.668 of 2017 (T.R No.1477 of 2018),



subject to the conditions as laid down under Section 438 (2) of
the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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