

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60504 of 2019

Arising Out of PS. Case No.-36 Year-2016 Thana- PATNA GRP CASE District- Patna

1. Binay Sao @ Binay Kumar, Son of Late Shiv Sao, Resident of Hinduni, P.O-Alampur, Gonpura, P.S-Phulwari Sharif, District-Patna.
2. Shiv Kumar, Son of Late Doman Paswan, Resident of Hinduni, P.O-Alampur, Gonpura, P.S.-Phulwari Sharif, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nikunj Shekhar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Patna Junction G.R.P. Case No. 36 of 2016, registered under Sections 419, 420, 379 and 401 of the Indian Penal Code, pending in the court of Additional Sessions Judge-XII, Patna.

The accusation is that in the morning of 17.02.2019, informant, Nageshwar Yadav, get down at Platform No. 6 at Patna Junction from Train No. 19049. The two persons present there asked him about destination, on which, he replied that he want to go to Biharsharif. Thereafter, they told that today is call of Bihar Band and they are having an Indigo car and they are also going to Biharsharif, so he can go with them. Accordingly, informant boarded on their car. At that time, 7 to 8 persons stopped the car and asked him to give all articles for affixing seal otherwise



police will seized the articles in the way. Then the informant gave him cash of Rs.3000/-, mobile, two ATM and bags. They also asked the code of ATM. Thereafter, they moved from there with assurance to return within 10 minutes. Informant waited for a long time non of them returned. In the meantime, a person came near him and asked about him then he narrated the entire story then that person told him that they were *Thugs* and they would not come and he gave him Rs.100/- for going to his destination. Thereafter, informant reached at his village and checked his both saving accounts then found that Rs.52,000/- was withdrawn using his two ATM's. Thereafter, on 09.02.2016, informant with his brother came at Patna Junction and started to search all thugs then saw two persons, who had committed mischeaf and informed to GRP and both were apprehended and they disclosed their names as Bhola Paswan and Lankeshwar Das also disclosed the name of seven persons including the petitioners as their associates involving in the occurrence.

Learned counsel for the petitioners submits that the name of the petitioners have come in the confessional statement of Bhola Paswan and Lankeshwar Das. In fact, petitioners are innocent and they have falsely been implicated in the present case. The petitioners have no criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to extend the privilege of pre-arrest bail to petitioner. Accordingly, their prayer for pre-arrest bail stands rejected. The petitioners are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law



without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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