

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76547 of 2019

Arising Out of PS. Case No.-348 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Ashish Byahut Son of Shushil Byahut @ Shushil Kumar, Resident of Village-
Shiv Bazar, P.S.-Bhagwan Bazar, District-Saran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhagwan Bazar P.S. Case No. 348 of 2019 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Recovery was made from one of the co-accused Imran and the petitioner has been dragged in the present case by the police only on the basis of suspicion. It is further submitted that no T.I.P. has been conducted and petitioner is in custody since 03.08.2019.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of the case, wherein in course of investigation recovery of a sum of Rs. 1,00,000/- has been made from co-accused Imran and it has come that the motorcycle with which the alleged offence has been committed belongs to this petitioner and in the petition this fact has not been denied, considering the gravity of the allegations, this Court is not inclined to grant privilege of regular bail to this petitioner.

Learned counsel for the petitioner has placed before this Court a copy of order dated 08.11.2019 passed in Cr. Misc. No. 71432 of 2019 by which a learned Co-ordinate Bench of this Court has been pleased to grant anticipatory bail to the co-accused Raja Singh @ Raja Surath. This Court finds that the case of the petitioner is standing on a different footing. The petitioner is in custody since 03.08.2019, he will be at liberty to renew his prayer for bail after a reasonable time.

It is the contention of learned counsel for the petitioner that in this case no T.I.P. has been conducted. This Court finds that in the FIR the informant has categorically stated that he can identify the persons who had committed the alleged occurrence, still it is surprising that it has not drawn the



attention of the Investigating Officer so far T.I.P. has been conducted. This Court has been finding in various cases this plea has become common and this clearly indicates the failure of the investigation in carrying it to a logical end.

The Superintendent of Police, Chapara is, therefore, directed to look into this matter and take an appropriate measure forthwith.

(Rajeev Ranjan Prasad, J)

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