

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3972 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- DIDARGANJ District- Patna

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Guddu Kumar (Male) aged about 27 years, Son of Devendra Chaudhari
Resident of Village - Paharpur, Jurawanpur, P.S.- Raghobpur, Distt - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Didarganj PS Case No. 163 of 2019 dated 02.06.2019 instituted under Section 394 of the Indian Penal Code.

4. The allegation against the petitioner, who is named along with another person and 5-6 unknown persons, is of looting away mobile, cash and ornaments of the informant and also abducting the sister of the informant, who was later recovered by the police.



5. Learned counsel for the petitioner submitted that as per the allegation the petitioner and another co-accused are said to have committed the crime and when the informant and his brother-in-law had informed the local police under Didarganj PS, the Bakhtiyarpur police is said to have caught the petitioner and another person on a Swift car and from them there has been recovery of fire arms and also some of the looted articles of the present case, for which Bakhtiyarpur PS Case No. 169 of 2019 had been registered on 02.06.2019. Learned counsel submitted that when the informant and his brother-in-law had come to the police station, they had identified the petitioner and the other person, as being part of the gang which had looted them and abducted the sister of the informant and seizure list was prepared. It was submitted that based on the same seizure list the present case has also been lodged. It was submitted that in the other case i.e., Bakhtiyarpur PS Case No. 169 of 2019, the petitioner has been granted bail by the High Court. Learned counsel submitted that after the arrest of the petitioner in the present case he has been made accused in seven other cases also in which he has been granted bail by the Court below itself. Learned counsel submitted that though the petitioner was caught and identified on 02.06.2019 itself and the present case was also



lodged on the same day, but in the present case he has been remanded on 07.08.2019.

6. Learned APP, from the case diary, submitted that the petitioner has been caught with part of the looted articles and has been identified by the informant and his brother-in-law as being one of the persons, who had committed the crime of looting and also abducting the sister of the informant. Learned counsel submitted that the petitioner besides having many other criminal cases against him cannot take advantage of being released in Bakhtiyarpur PS Case No. 169 of 2019 for the reason that it was only under Section 414 of the Indian Penal Code and the Arms Act and obviously whatever was seized would also form part of the present case, but the allegation is substantially different, i.e., of looting and abducting the sister of the informant which, was not the allegation in the case in which the petitioner and the other named person were arrested. It was submitted that the petitioner has been identified by the informant and his brother-in-law as being one of the persons who had committed the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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