

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4878 of 2020

Arising Out of PS. Case No.-552 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Chintu Mishra @ Vikash Kumar, aged about 22 years, Male, Son of Virendra Mishra, Resident of Village Madhukar Chhapra, P.S. Kanti, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ramchandra Pandey, Advocate
For the State : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 17-06-2020 Heard Mr. Ramchandra Pandey, the learned counsel

for the petitioner and Mr. Sanjay Kumar Pandey, the learned

Additional P.P. through video conferencing.

The petitioner seeks bail in Kanti P.S. Case No.552 of
2019, registered under Section 397 of the Indian Penal Code.

The informant, Rahul Bagoria lodged the case against
unknown alleging therein that he was inside the office of the
DTDC Company situated in Sadatpur on NH-57, Kanti,
Muzaffarpur and working as Branch Manager. The office is
situated in the house of Mukesh Pandey and Kamlesh Pandey.
At about 4.30, his staff Mukesh Kumar and Santosh Kumar
were present. Three persons came. They were armed with pistol.
They had covered their faces with handkerchief. All the accused



persons at the point of gun over powered the informant and other staff of the DTDC Company. They took away different articles from the informant and other staff. All the seven accused persons looted away Rs.26,00,000/-, mobile, D.V.R. of CCTV and about 20-25 mobiles. Apache motorcycle bearing Registration No. BR06BM 0458 of Santosh Kumar, staff of the company, was also taken away. The accused persons also took away Rs.30,000/- from the possession of the informant and other staff. The informant also disclosed the mobile numbers of the looted mobiles.

Mr. Ramchandra Pandey, the learned counsel for the petitioner submits that the petitioner is not named in the FIR. The case is registered under Section 397 of the Indian Penal Code. The petitioner was apprehended and save and except the confessional statement of the petitioner, nothing has come against the petitioner. It is further submitted that the petitioner is in jail since 21.09.2019 but he has not been put on TIP as yet and, therefore, there is no material to show that the petitioner participated in the dacoity committed in the office of the DTDC. Some looted articles are said to have been recovered from the possession of the petitioner but the recovery of looted articles does not show the participation of the petitioner in the crime of



dacoity.

I find that of course the petitioner has not been put on TIP but the petitioner after being arrested confessed his guilt in para 90 of the case diary and in pursuance of his confession, the looted TVS Apache motorcycle along with many other articles looted from the DTDC office and the staff of DTDC office were recovered from possession of the petitioner.

Taking into consideration the facts, I find that the petitioner does not deserved bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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