

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5757 of 2020**

Arising Out of PS. Case No.-192 Year-2018 Thana- BIHTA District- Patna

GAUTAM KUMAR son of Suresh Prasad Gupta @ Suresh Saw @ Suresh Sah Resident of Village - Devaria, Police Station - Bhagvanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 31-08-2020 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Bihta P.S. Case No.192/2018 registered for the offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is neither owner nor the driver of the vehicle in question and his name has transpired only in the confessional statement of the co-accused.

Mr. Prem Kumar Jha, learned APP for the State has submitted that in the case diary it has come that in connection with Sarha P.S. Case No.14 of 2018 when two accused Ravi



Manjhi and Mantu Kumar were arrested on spot on 13.03.2018 while committing loot of a truck on national highway, they had disclosed that this petitioner is one of the members of the gang and he helps in selling of the steel rods which are looted from the truck. He also submits that the looted truck with loaded steel rods has not been recovered as yet by the police.

Learned APP submits that this petitioner has one criminal antecedent as stated in paragraph '3' of the application. He has lamented on the fact that despite direction of the senior police officer the investigating officer has not carried out those directions and no raid was conducted thereafter for over one year by now. He has, however, submitted that in the given facts and circumstances of the case, the petitioner does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, considering that the name of the petitioner has come in several cases and the co-accused have made self-incriminating statements taking name of this petitioner as a member of the gang and there are materials present in the case diary to suggest his involvement, the case is one of the looting of the trucks on national highway in which also his name has been taken by Ravi Manjhi and Mantu Kumar, considering the nature of the case



and the criminal antecedent, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer is thus refused.

Let a copy of this order be sent to the office of Senior Superintendent of Police, Patna to look into the matter and take appropriate action if the direction of the supervising authority are not being obeyed by the investigating officer.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

