

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8862 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- KORHA District- Katihar

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AJAY DAS @ AJAY KUMAR DAS Son of Shiv Narayan Das @ Shiv Nath
Das Resident of Village - Korha, P.S.-Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-06-2020 The present case was heard at length on 25.06.2020
and today, it has been listed under the heading “For Orders”.

This is an application for grant of anticipatory bail in
connection with Korha PS case no. 291 of 2019 registered for
the offences punishable under Sections 392, 411/34 of Indian
Penal Code.

The case of the prosecution is that on 26.07.2019
while the informant was returning home by his motorcycle
along with cash amount of Rs. 11.40 lacs, after withdrawing the
same from the S.B.I. Gerabari Bazar Branch, some miscreants
had intercepted him, assaulted him and had decamped with the
aforesaid cash amount.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, is having a clean antecedent and
has been falsely implicated in the present case. It is further



submitted that a bare perusal of para 37 of the case diary would show that it is not a fact that the petitioner has been identified as the perpetrator of crime by the police, during the course of investigation, rather the police had received information from its spy that the petitioner is also one of the miscreants who had looted cash amount from the informant, as such there is no concrete material on record so as to connect the petitioner with the alleged crime.

I have heard the learned counsel for the parties, perused the materials on record as also gone through the contents of the case diary in question, from which it is apparent that the name of the petitioner has transpired in the present case on account of the secret information received by the police during the course of investigation regarding the petitioner being one of the miscreants, who had committed the aforesaid loot and infact, the C.D.R. of the mobile number of the petitioner has also been obtained, from which it is apparent that the petitioner was in touch with the other accused persons and the location of the tower from which, his number was showing to have been connected at the alleged date and time of occurrence, is also the one which is near to the incident, hence it appears that further investigation is required and for the said purpose, the custodial



interrogation of the petitioner may also be required, hence this Court finds that it would be appropriate that the petitioner surrenders before the lower court below and joins investigation, hence I am not inclined to grant anticipatory bail to the petitioner herein, as such, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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