

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14308 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- GAMAHARIYA District- Madhepura

Bimal Kumar aged about 25 years (M) Son of Late Madan Mukhiya Resident of
Village - Budhave, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-07-2020

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

2. Heard Mr. Pramod Mishra, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner is in custody in connection with
Gamhariya PS Case No. 5/2020 dated 04.01.2020 instituted
under Section 393 of the Indian Penal Code.

4. The allegation against the petitioner and another
co-accused is that they had come on an unnumbered motorcycle
and had accosted the informant at gun point and snatched the



bag and motorcycle of informant, but had tried to flee when villagers had come and the petitioner was caught by the villagers who had come upon cry whereas the other co-accused along with firearms had managed to run away.

5. Learned counsel for the petitioner submitted that at the Chowk from where the informant had proceeded, the petitioner has a workshop of motorcycle repair and because the informant's motorcycle had developed some snag, he had called him, but dispute evolved over payment of the charges and the informant has falsely implicated him. It was submitted that nothing was recovered from the petitioner as per the allegation in the FIR itself and only an attempt was made which did not succeed. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 05.01.2020.

6. Learned APP, from the case diary, submitted that the petitioner was caught by the local villagers upon chase and was also thrashed and that is why injuries have been found on his person. It is submitted that there is no past familiarity between the informant and the petitioner, and thus, it is absolutely unbelievable that even if the motorcycle of the informant had developed snag he would call the petitioner as he had no knowledge about the petitioner having a shop of



motorcycle repair and further the number of the petitioner. It was further submitted that it has not come in the investigation that any call was made by the informant to the petitioner. Learned counsel submitted that if at all the petitioner would be having a shop at the market place it cannot be believed that the local people would side with the informant and thrash him as he was known to them, and that too, at the false behest of the informant. It was further submitted that many eye-witnesses, who are independent villagers, have supported the prosecution story.

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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