

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15690 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Bateshwar Kumar @ Rajnikant Prabhakar (M) age 34 years S/o Late Brajesh
Nandan Kasyap R/o village- Chandi Bazar, P.S.- Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

For the Informant : Mr. Anil Kumar, Advocate

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. Ajay Kumar Thakur, learned counsel along with Mr. Nilesh Kumar, learned counsel, for the petitioner; Mr. Md. Aslam Ansari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Anil Kumar No. 1, learned counsel for the informant, who has *suo motu* appeared.

3. The petitioner is in custody in connection with Laheri PS Case No. 18 of 2020 dated 15.01.2020 instituted under Sections 454/380/411 of the Indian Penal Code.

4. The allegation against the petitioner is that he had stolen cash of more than rupees ten lakhs from the house of the informant.



5. Learned counsel for the petitioner submitted that he is the co-brother (*sadhu*) of the informant and thus such allegation is baseless. It was further submitted that the petitioner has no role in the crime and whatever money has been recovered from his house belongs to him which he had kept for construction of his own house. It was submitted that a few months prior to the incident his mother had sold land for more than rupees five lakhs and part of the same was also given to the petitioner for using in the construction of his house. Learned counsel submitted that the informant himself is an accused in Rajgir PS Case No. 282 of 2019, for cheating. Learned counsel submitted that the petitioner is in custody since 17.01.2020.

6. Learned APP, from the case diary, submitted that independent witnesses have supported the prosecution story having seen the petitioner coming out of the house of the informant. It was further submitted that on the part of the petitioner, mark of paint of the house of the informant has been found and tools used for committing crime have also been recovered.

7. Learned counsel for the informant submitted that the petitioner having taken away the money from the house of the informant has nothing to do with the case lodged against the



informant, and further, that the said case was much prior to the lodging of the present case and that too for an allegation of cheating. Learned counsel submitted that there is no past enmity between the parties and thus there was no occasion for any false implication. Learned counsel submitted that recently, the cash which was recovered from the house of the petitioner has been released in favour of the informant after application having been filed by both the petitioner and the informant for release of the money in their favour. It was submitted that such release was on the basis of the report submitted by the Investigating Officer of the present case. Learned counsel further submitted that the cash recovered from the house of the petitioner cannot be related to the money received from his mother as the sale deed was executed about eight months prior to the present recovery.

8. 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.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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