

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18813 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- BAKHTIYARPUR District- Patna

PRAKASH KUMAR Son of Uday Kumar Ray Resident of Village - Paharpur
East, Ward No.6, P.S.- Paharpur, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Senior Advocate
		Mr.Vijay Anand, Advocate
For the Opposite Party/s	:	Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 25-09-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Bakhtiyarpur P.S. Case No.52 of 2019, registered for the offence punishable under Section 395 of the Indian Penal Code.

The F.I.R. was registered against unknown with the allegation that the miscreants had looted a TATA 4018 vehicle, on 01.02.2019, which was coming from Durgapur, with consignment of iron ingots, which was to be delivered, was intercepted by the miscreants, who were in a car and after tying hands and legs of the informant, i.e., the driver of the vehicle, they took away the loaded vehicle.

The petitioner was apprehended in connection with Deedarganj P.S. Case No. 197 of 2019. During the course of investigation, he made his confessional statement before the



police about his involvement in that case and in the present case also. Accordingly, he has been made accused in the present case. He has been remanded in two other cases also of similar nature. He is said to have disclosed to the police about the organized gangs of criminals engaged in such activities under the leadership of one Babloo.

This is to be noted, as it appears from the case diary, that the looted truck was recovered from near a line hotel on the basis of information transmitted by the owner of the hotel. The owner of the hotel is said to have disclosed the police that the vehicle was parked near the line hotel and there were two persons, who were found measuring the quantity of fuel available in the vehicle. Their activities were noticed to be suspicious, whereafter he made certain inquiries. On the insistence of the owner of the hotel, the two persons made him talk to someone, who, according to them, was the owner of the vehicle. Finding everything to be suspicious, the hotel owner informed the police, whereafter the police came. The two persons, however, managed to flee away and in that course left behind one mobile phone. The petitioner, in his confessional statement, recorded by the police, has given a vivid description of the manner in which the gang, of which he was a member,



operated.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that some other persons have been allowed regular bail by this Court and case of the petitioner is identical with their cases.

Considering, however, the nature of accusation, materials collected by the police during the course of investigation and the alleged involvement of this petitioner in other criminal case of serious nature, I am not inclined to grant him privilege of regular bail.

This application is accordingly rejected.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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