

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18492 of 2020

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

GUDDU KUMAR Son of Devendra Chaudhary Resident of Village -
Paharpur West , P.S.- Judawanpur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Anand Mohan Prasad Mehta, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No. 52 of 2019 for the offence punishable under Section 395 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant is that he is the driver of truck in question and on 01.02.2019, he had departed after loading iron rods on his vehicle at about 8:00 P.M. from Durgapur and had reached Barhi on 02.02.2019 at about 2:00 P.M. and had then again proceeded and arrived at Bakhtiyarpur four-lane in the night at about 12:30



hours where one black Maruti car had overtaken his truck and made him to stop the truck whereafter six persons had entered into the cabin of the truck, tied his hands and legs, had taken out cash amounting to a sum of Rs. 19,000/-, looted his mobile phone and then had shifted the informant to their car and after sometime, the informant was tied in a bamboo orchard. It is further alleged that the informant had then informed his owner who had arrived from Kolkata and had filed the present case and when they had reached at Bakhtiyarpur four-lane they saw that the vehicle and the iron rods were missing.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is alleged to be an accused in seven other cases, it would be apparent that all the cases have been lodged one after another, meaning thereby that after the petitioner was arrested in the present case, he has been falsely made an accused in the other cases as well. It is also submitted that neither the petitioner has been named in the FIR nor anything has been recovered from his possession nor he has been put on T.I. Parade so as to prove his complicity in the alleged occurrence. It is further submitted that the petitioner is languishing in custody since 27.01.2020. Lastly, it is submitted that the petitioner has been falsely roped in the present case merely



on suspicion i.e. on the basis of the confessional statement of one co-accused person namely Prakash Kumar, which has been recorded in the case diary by the police.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record as also gone through the case diary from which it is apparent that minuscule evidence is available as against the petitioner herein and moreover more surprising part is that despite the petitioner languishing in custody since 27.01.2020, no T.I. Parade has taken place so as to connect the petitioner with the alleged crime, hence I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Barh in connection with Bakhtiarpur P.S. Case No. 52 of 2019.

(Mohit Kumar Shah, J)

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