

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18476 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- BHAGWANPUR District- Vaishali

RAKESH KUMAR @ RAKESH PASWAN, Son of Ramnath Paswan,
Resident of Village - Hathsarganj, P.S.- Hajipur Town, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-08-2020 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

The petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

The prosecution case in brief is that on 14.08.2019 at
2.30 O'clock when the informant Rajiv Kumar was coming
Muzaffarpur from Gaya by Bullet motorcycle bearing
Registration no. BR-06BB-0970 during the journey at Chitra
bridge four unknown miscreants indicated the informant to stop
the motorcycle is showing pistol to which he stopped the
vehicle. After all, the miscreants started abusing assaulting the
informant. The miscreants took away his belonging and fled
away.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The petitioner has been made accused in the present case on the basis of confessional statement of co-accused Raja Kumar. There is no recovery from the conscious possession of the petitioner and no TIP was held till date. The petitioner has been made accused in another three cases in which he is on bail, which is mentioned in para 3 of the bail application. The petitioner is in jail custody since 12.12.2019.

Learned APP for the State opposes the prayer for bail petition.

From perusal of the case record and materials available on the record it transpires that name of the petitioner surfaced in the statement of Raja Kumar made in the Lalganj P.S. Case No. 332/2019. The petitioner is alleged to be a companion for committing the crime. There is criminal antecedent against the petitioner in the case diary. The petitioner is alleged to have made an abortive bid to kill Hawaldar in court campus.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for regular bail of the petitioner is rejected in connection with Bhagwanpur P.S. Case No. 212 of 2019 from the Court of learned C.J.M.,



Vaishali at Hajipur.

The application is dismissed accordingly.

However, the petitioner is directed to renew his prayer
after framing of the charge.

(Anjani Kumar Sharan, J)

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