

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24098 of 2020

Arising Out of PS. Case No.-519 Year-2019 Thana- KESARIA District- East Champaran

1. Raushan Kumar, aged about 19 years, Male, Son of Lalu
2. Ranjan Kumar, aged about 20 years, Male, Son of Asha Rai, both resident of Village - Rampur Aslee, P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate
For the State	:	Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Kesariya P.S. Case No. 519 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in short, is that on 04.11.2019, the informant, Pramod Kumar Bhagat, son of Late Basudeo Bhagat, resident of village- Dilawarpur Tola Alkhadbari, P.S.- Kesariya, District- East Champaran, submitted his written report before officer-in-charge of Kesariya P.S., alleging therein that on 03.11.2019 at about 6.40 P.M. while the informant was coming home in the meantime three persons on motorcycle came and stopped him and looted away Rs.25,000/- and mobile phone on the point of pistol. On alarm, villagers came, but



miscreants fled away after leaving motorcycle.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have committed no offence. He further submits that the petitioners have got no any criminal antecedent mentioned in paragraph-3 of the bail petition. Learned counsel for the petitioners further submits that the petitioners are not named in the F.I.R., nothing incriminating has been recovered from their possession. The name of the petitioners have transpired in the present case on the basis of confessional statement of police-spy as referred to the impugned order. Save and except suspicion, there is no other evidence or material to show their complicity in the alleged occurrence.

Learned counsel for the State vehemently opposed the bail application of the petitioners and submits that in paragraph-36 of the case diary, name of the petitioners has come.

I have perused the record including the case diary. The supervision note and others witnesses have supported the prosecution case.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the prayer for bail of the petitioners in connection with Kesariya P.S. Case No.519 of 2019 pending in



the court of learned 3rd Additional Chief Judicial Magistrate, Motihari, East Champaran is hereby rejected. However, the petitioners are directed to surrender before the court below and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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