

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21845 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- PATNA GRP CASE District- Patna

FAKIRA YADAV Son of Baleshwar Yadav Resident of Village - Asthawan,
P.S.- Asthawan, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the State : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-07-2020 Heard Mr. Raj Kumar, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioner is directed to remove the defect(s) as pointed out by the Stamp Reporter within eight weeks.

Petitioner seeks regular bail in connection with G.R.P. Patna P.S. Case No. 23 of 2020 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code 1860.

The allegation against the petitioner as per the First Information Report lodged by Mr. Vishwanath Singh, stating therein that he was coming on Auto rikshaw to Patna Junction in



order to board a train from the clinic of Dr. U.N. Singh along with his son. It has further been alleged that no sooner than the informant got down from the Auto Rikshaw, the petitioner taking advantage of the crowd over there, pick pocketed a sum of Rs.30,000/- and tried to flee away, but with the help of nearby passengers and Police, he was caught red handed and a sum of Rs.30,000/- was recovered from his possession. Thereafter, the petitioner was produced before the Police and a seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He has falsely been implicated in the present case inasmuch as the submission of the learned counsel for the petitioner is that if the petitioner was caught by the help of the Police, why the case was not lodged and money was not recovered by the Police personnel. He further submits that production of money by the informant raises doubt in the prosecution story. Learned counsel further submits that 12 cases are registered against the petitioner, but nature of those cases are not similar to the present case and all the cases are registered within the district of Nalanda.

Learned counsel for the State on the other hand



vehemently opposed the prayer for bail and submits that the petitioner has got criminal antecedent inasmuch as 12 cases are pending against him. As such, the petitioner does not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the fact that specific allegation has been levelled against the petitioner in the First Information Report and he was caught red handed as also the petitioner has got criminal antecedent and he appears to be a habitual offender, I am not inclined to grant regular bail to the petitioner.

The prayer for bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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