

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20954 of 2020

Arising Out of PS. Case No.-157 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RUPESH KUMAR, aged about 22 years, male, Son of Rabindra Nath Sharma
R/o Village - Akopur, P.S.- Cheira Bariarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-06-2020 Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately after the lockdown ends, and in any event within one month thereof.

2. The petitioner is in custody since 09.01.2020 in connection with Cheria Bariarpur P.S. Case No. 157 of 2019 for the alleged offences under Section 392 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in connection with looting of the informant's motorcycle along with money and a Tab kept in a bag in the dickey. It is submitted that the petitioner is not named in the FIR which has been instituted against two unknown persons. Nothing has been recovered from the house of the petitioner and his name has been dragged in this case on the basis of statement of an inimical villager.

4. Learned APP appears and opposes the bail petition,



inviting reference to para 5 of the impugned order. It has been noticed therein that the informant in his restatement has furnished the registration number of the Pulsar motorcycle as BR 09AB 1412 which was used by co-accused Dipak Kamti in the crime. The petitioner is said to be the registered owner of the motorcycle. It is further pointed out that the petitioner has two prior antecedents, having been accused in one case registered under Section 392 of the Indian Penal Code and the other under the Arms Act.

5. Having regard to the nature of accusations, gravity of offence alleged and the criminal antecedents of the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands dismissed.

6. Office shall ensure that all defects have been removed and compliance with the notices of this Court has been made, within the stipulated time as provided in para 1 hereinabove.

(Vikash Jain, J)

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