

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25140 of 2020

Arising Out of PS. Case No.-351 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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CHANDAN KUMAR @ CHANDAN MAHTO Son of Laxmi Mahto,
Resident of Village - Sanha Naya Tola, P.S.- S. Kamal, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.
For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-10-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Sahebpur Kamal P.S. Case
No.351 of 2019 registered under Section 394 of the IPC.

The informant (driver of the truck bearing
Registration No.BR10GA-0799) alleged that on 23.11.2019 at
about 8:00 in the night, he was going to unload the sand on the
darwaja of Manoj Kumar (former Pramukh). Bablu Yadav and
Pukar Yadav (labourers) were also with him. At about 10:15 in
the night, two persons came on a motorcycle, assaulted the
informant and two labourers and snatched mobile and money
from possession of the informant.

Learned counsel for the petitioner submits that the
occurrence is said to have taken place in the night of



23/24.11.2019 but the F.I.R. was lodged on 29.11.2019. The informant himself alleged that after treatment, he went to Bhagalpur for loading sand. There is inordinate delay in lodging the F.I.R. It is further submitted that the police during course of investigation knew the fact that the motorcycle on which the criminals had come and committed the crime stands in the name of the father of the petitioner and next day the petitioner was apprehended with the motorcycle and looted mobile is also said to have been recovered from possession of the petitioner. The story of recovery of motorcycle and mobile does not inspire confidence and this fact itself shows that the petitioner has falsely been implicated in this case at the instance of former Pramukh, who belongs to the village of the petitioner. The petitioner is in jail since 03.12.2019 but it appears that of course the F.I.R. is lodged after 5-6 days of the occurrence and the informant has given satisfactory explanation for not lodging the F.I.R. immediately after the occurrence but the informant disclosed the registration number of the motorcycle on which two criminals came and assaulted the informant as well as two labourers. The criminals looted away cash and mobile of the informant after assaulting him. The registration number of the motorcycle is found to be standing in the name of the father of



the petitioner. When the petitioner was arrested, the looted mobile was also recovered from his possession.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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