

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23029 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- RAGHOPUR District- Supaul

RAHUL KUMAR MANDAL S/o Indra Narayan Mandal Resident of Village-
Basaha Ward No. 06, P.S.- Pipra, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-10-2020 Heard Ms. Aprajita, learned counsel for the petitioner
and Mr. Akshay Lal Pandit, learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Raghopur P.S. Case No. 262 of 2019 registered for the offences
punishable under Sections 399, 402, 353, 307, 414 of the Indian
Penal Code 1860, Sections 25(1-b)a, 26, 35 and 27 of the Arms
Act.

The allegation as per the First Information Report is
that the Police Party got information that some miscreants who
were involved in gold loot of Muthoot Finance, Hajipur, were
hiding in the house of Chulhai Sharma @ Gulab Sharma of
village Hulas, proceeded towards the place of occurrence and
conducted raid in that house and after seeing the Police Party, all



the miscreants, opened 35-40 rounds fire upon the Police Party. In return, the Police also fired 41 rounds upon the miscreants. However, some of the miscreants succeeded in fleeing away, but the Police party arrested three accused persons including petitioner and from possession of the petitioner, one country made loaded pistol, one Android Mobile Phone of Redme MI company and Rs.5,000/- cash have been recovered. It has further been alleged that on query, petitioner disclosed that recovered Glamour Motorcycle was looted by co-accused Mukul Rai, Fuddan @ Vishal and Amod Kumar, on gun point. It has further been alleged that the petitioner disclosed that on 08.12.2019 he has committed loot of Rs.16,000/- along with one Redme MI Mobile at Babhani Petrol Pump, on gun point, with the aid of other miscreants, which have been recovered from his possession. It has also been alleged in the First Information Report that on 08.12.2019 also they have committed loot in the area of Pipri P.S. and today also they assembled to commit loot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as he has not committed any offence in the manner alleged and the petitioner is having no criminal antecedent, but after his arrest, on the basis of confessional statement of the co-accused, he has



been made accused in two other cases. Learned counsel further submits that No Test Identification Parade has been conducted by the Police regarding recovery of Mobile Phone. Learned counsel also submits that the seizure list has been prepared on 09.12.2019 at 15:30 hours but First Information Report has been lodged on 10.12.2019 at 10:00 A.M., despite the fact that the Police Station is situated about 10 K.M. from the alleged place of occurrence. Learned counsel next submits that Motorcycle has not been recovered from conscious possession of the petitioner and same has been recovered from the house of Chulhai Sharma @ Gulab Sharma.

On the other hand, learned counsel for the State referring to the case diary submits that when the Police raided the house in which the petitioner and other accused persons had assembled, they started making firing upon the Police Party and the Police Party also in return made firing and arrested the petitioner along with loaded *Katta*, one Android Mobile phone of Redme MI company and Rs.5,000/- cash from possession of the petitioner. Learned counsel also submits that petitioner is a person of criminal mind and he has confessed before the Police, the crime committed by him in the past also.

Having heard learned counsel for the parties and



taking into consideration the materials on record and the fact that firearm and other incriminating articles have been recovered from possession of the petitioner, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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