

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24456 of 2020

Arising Out of PS. Case No.-126 Year-2012 Thana- GORAUL District- Vaishali

=====

AMIT KUMAR SRIVASTAVA @ PINTU SRIVASTAVA Son of Late Sharda Prasad Srivastava Resident of Village- Sirsa Biran, P.S.- Lalganj, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate.

For the Opposite Party/s : Mr. Shakir Ahmad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-10-2020 Heard learned counsel for the petitioner and learned APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Section 394 of the Indian Penal Code and subsequently Section 411 of the Indian Penal Code was added.

As per the prosecution case, while the informant was going to Supaul after loading 20 quintals of iron rod on his trailer and when he reached near Goraul, four miscreants on two motorcycles stopped him and two of them boarded on the tractor and after sometime two miscreants also boarded on the tractor and started assaulting him and took away the iron rods loaded on the tractor after injuring him.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to enmity. The petitioner is neither named in the F.I.R. nor he was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement Kishori Rai which has no evidentiary value in the eye of law. Petitioner has been languishing in custody since 06.04.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the offence as alleged against the petitioner is of grave nature. There is material in the case diary to indicate that the petitioner was in group of miscreants who have looted away the iron rods.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

