

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24182 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- GOVINDPUR District- Nawada

Gulshan Kumar, Male, aged about 24 years, Son of Subodh Singh, Resident of Village - Budhwara, Police Station - Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nilendu Kumar Choudhary, Advocate
For the State	:	Mr.Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-11-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Govindpur P.S. Case No. 134 of 2019 registered for the offences punishable under Sections 406, 420, 379, 384, 506 and 34 of the Indian Penal Code.

The prosecution story based on the written information of one Binod Saw to the Officer-in-charge of Govindpur Police Station alleges inter-alia that he is owner of vehicle bearing Registration Nos. i.e. JH-05AF-1010 (Swift Dzire) and BR-21G-3181 (Bolero) and running the same on hire. On 12.05.2019 at about 6.00 A.M., one Gulshan Kumar along with three unknown persons came at his house and hired his vehicle for going to Bahadurpur (Rajauli) to attend a marriage ceremony. He has taken Rs.2,000/- advance on the rate



of Rs.4,000/- per day for two days. He sent his vehicle along with drivers and when they reached at the house of Gulshan Kumar they snatched the keys of vehicle and started abusing them and ousted from the village. The drivers informed him about the incident thereafter he reached at the village of Gulshan Kumar where showing pistol and threatening they took his signature on several blank piece of paper which has to be used later on.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence. He further submits that the occurrence took place on 12.05.2019 and the F.I.R. has been instituted on 28.07.2019 after laps of 2 ½ months but no explanation has been given as to why the same has been lodged after such a long delay. Learned counsel for the petitioner further submits that in fact there was good relation between the informant and the petitioner as both the vehicle mentioned in the F.I.R. has been sold by the informant to the petitioner taking entire consideration money and by swearing affidavit dated 14.03.2019 and 26.03.2019 respectively. He further submits that some dispute with respect to money has been arises between the informant and the petitioner as the informant dmanded more three lacs rupees from the petitioner



for the aforesaid vehicle and for that regularly threatening has been made to the petitioner for kidnapping and implicating in false case of vehicle theft. He further submits that thereafter finding no way the petitioner filed an informatory petition in the court of C.J.M., Nawada on 15.05.2019 stating therein all the facts and made request to send the copy to the Officer-in-charge, Govindpur Police Station, which has been annexed as Annexure-2 of the bail petition. He further submits that an F.I.R. has been instituted by the brother of the petitioner i.e. Nawada Town P.S. Case No.650 of 2019 dated 25.05.2019 against the present informant and others alleging therein that his brother (petitioner) came at Civil Court, Nawada on 21.05.2019 thereafter he did not return to his house. It is further alleged that he received a call from Mobile No.822708334 demanding extortion money. Earlier Binod Saw (present informant) and two other named persons came at his house and threatened to kidnap Gulshan Kumar. A copy of F.I.R. of Town (Nawada) P.S. Cse No.650 of 2019 has been annexed as Annexure-3 to the bail petition. He further submits that Town (Nawda) P.S. Case No.650 of 2019 has been instituted on 25.05.2019 in which the present informant has been made named accused, then how on 28.07.2019 he came at police station for lodging the present



F.I.R. and the concerned police has not taken any action against him.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 134 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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