

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25571 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- BARAUNI District- Begusarai

HARE RAM YADAV @ HARE RAM KUMAR YADAV S/o Ram Chandra Yadav @ Ramchandra Choudhary Resident of Village-Mishrauli Tola-Mus Toli, P.S-Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Shailendra Kumar-II

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-10-2020 Heard both sides.

The petitioner apprehends his arrest in Barauni P.S. case No. 428/2019 registered under Section 353, 414/34 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant, S.I. of Baruni P.S., after having received the information that a Hyva vehicle bearing registration No. BR-05G-0571 was looted away by the miscreants, who had come on a Scorpio vehicle bearing registration No. BR28G-7637, the informant examined the CCTV footage and found the number of vehicle. During the course of enquiry, it transpired that Scorpio vehicle is standing in the name of Chandrama Singh of village Kharauni, PS Mirganj, district, Gopalganj. The informant got information from the S.H.O., Mirganj about the



owner of the vehicle and it transpired that Sudhir Rai was driver of Hyva. Sudhir Rai, the driver of the looted Hyva, was also informed about the occurrence of his mobile No. 9608007357 but he did not turn up. Thereafter, the informant went to the house of Chandrama Singh with the help of Mirganj police. The informant saw a Scorpio parked in front of the house of Chandrama Singh. Chandrama Singh disclosed that his son, Satendra Kumar, had gone with the Scorpio vehicle. The Scorpio vehicle was seized. It transpired that Satendra Kumar has gone along with Rahmuddin on the direction of Hareram Yadav, the petitioner. Hareram Yadav parked the Hyva in the premises of petrol pump. The informant arrested Satendra Kumar and Rahmuddin. Rahmuddin disclosed that Hareram Yadav had parked the Hyva vehicle in the Atalichak petrol pump. Later on the Hyva was also seized. It further transpired that Sudhir Rai, driver of the Hyva, and Hareram Yadav, the petitioner, were well known to each other and some dispute arose for payment of money, part of illegal transaction, between Hareram Yadav and Sudhir Rai and that is why the Hyva was looted from the possession of Sudhir Rai at the instance of Hareram Yadav and Hareram Yadav parked the Hyva in the premises of petrol pump.



The learned counsel for the petitioner submits that there is absolutely no evidence against the petitioner. Statement before the police has got no legal value according to provision as contained in Section 24 and 26 of the Evidence Act. The Hyva was lying unclaimed and it also transpired that the Hyva was stolen one. Sudhir Rai, driver of the Hyva, at the time of occurrence did not appear before the police. No seizure list was prepared in accordance with law. Sudhir Rai has taken money from Hareram Yadav and when Hareram Yadav demanded money there was some hot discussion and that is why Sudhir Rai falsely implicated the petitioner. No offence u/s 353, 414/34 of the IPC is made out but from perusal of the FIR itself, it appears that the S.I. of Barauni received information about looting of Hyva. When the informant went to verify the information the informant came to know that the miscreants, who had come on a Scorpio vehicle, looted the Hyva vehicle and took away the same. On the basis of CCTV footage the number of Scorpio came to light. It transpired that owner of Scorpio is Chandrama Singh. Chandrama Singh disclosed that his son, Satendra Kumar, had taken the vehicle. Satendra Kumar was arrested and he disclosed that he and Rahmuddin went to bring the Hyva from Sudhir Rai on the order of Hareram Yadav,



the petitioner. They handed over the vehicle to Hareram Yadav. Hareram Yadav concealed the Hyva in the premises of petrol pump from where the Hyva was seized. It appears that there is sufficient material against the petitioner showing his involvement in looting of Hyva.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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