

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73031 of 2019

Arising Out of PS. Case No.-462 Year-2018 Thana- NARPATGANJ District- Araria

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1. Vijay Yadav @ Bijay Yadav, Son of Late Dukhi Yadav
 2. Harikant Yadav, Son of Bidyanand Yadav
Both Resident of Village - Bela, P.S.- Narpatganj (Basmatia), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners in the present case are seeking regular bail in connection with Narpatganj (Basmatia) P.S. Case No.462 of 2018 (G.R. No.2493/2018) registered for the offence punishable under Sections 420, 413 and 414/34 of the Indian Penal Code. They are in custody since 29.06.2019.

Learned counsel for the petitioners submits that on bare perusal of the First Information Report it would appear that the same has been lodged by Sub-Inspector of Police and in his statement he has recorded that on one Apache motorcycle three named accused persons were coming, as soon as the police party reached there and tried to surround them, they left the motorcycle



and fled away towards the village and taking advantage of the darkness they fled away.

Learned counsel submits that the police is said to have seen the motorcycle in the dead of night at 00:10 am (night hours), the informant himself says that the accused persons fled away taking advantage of the darkness, if it is so then the submission of learned counsel is that it is difficult to understand as to how the informant could identify the three accused persons. It is his submission that these petitioners have been made accused only in order to implicate them and this is how their criminal antecedents have been created by the police.

Learned counsel submits that the co-accused Dhanraj Yadav has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.62272 of 2019. However, this Court does not find any mention of his criminal antecedent in the order passed by the learned coordinate Bench, may be that he has no criminal antecedent or that if he has the same was not pointed out to the learned coordinate Bench.

Learned APP for the State has opposed the prayer for bail as according to him the petitioner no.1 has got two cases on his head and petitioner no.2 has got four cases on his head.

Considering the facts and circumstances of the case wherein it appears that the petitioners have got some criminal



antecedents and in this case they have been arrested after about one year, for the present this Court is not inclined to grant privilege of regular bail to these petitioners. This application is, thus, dismissed.

The petitioners may, however, renew their prayer for bail after a reasonable period of custody.

(Rajeev Ranjan Prasad, J)

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