

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79148 of 2019

Arising Out of PS. Case No.-567 Year-2019 Thana- KUDHNI District- Muzaffarpur

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KRISHNA KUMAR Son of Late Baleshwar Mandal Resident of Village-
Majhauriya, Aadarsh Nagar, near Gumti No.-05, P.S.- Sadar, District-
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-05-2020 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Petitioner seeks bail in Kurhni @ Kudhani P.S. Case
No.567 of 2019 registered under Section 394 of the IPC and
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant disclosed that while he was coming
after withdrawing money from Allahabad Bank, Kurhni Branch
to his house and when he reached near the brick kiln of Sudhir
situated in village Kishunpur Madhuban, four persons came and
intercepted the informant. All accused persons assaulted the
informant and snatched his cash of Rs.3,48,000/-, two ATM
Cards, mobile and motorcycle but later on two persons were
apprehended by the villagers and the officials, who fell down on



the ground after slipping from the motorcycle. The informant reached there and identified the apprehended accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. From perusal of the F.I.R., it would appear that the name of the petitioner has been inserted in the case later on. No incriminating article has been recovered from possession of the petitioner. The petitioner is in jail since 29.08.2019. Manish Kumar, who was also apprehended along with the petitioner, has already been granted bail by a coordinate bench of this court vide order dated 26.11.2019 passed in Cr.Misc.No.75561 of 2019 and the petitioner also deserves bail but from perusal of the F.I.R. and the case-diary, it appears that the informant categorically stated in his statement that four persons robbed his bag containing Rs.3,48,000/-, ATM Cards, mobile, etc. while he was returning to his house. When the accused persons were fleeing away, two persons were apprehended by the villagers and the officials. The informant also reached there immediately after the occurrence and identified both apprehended accused, namely Manish Kumar and the petitioner Krishna Kumar. The other two persons managed to flee away with the booty. Learned counsel for the



petitioner read over the order granting bail to Manish Kumar and from perusal of the order, it appears that this fact has not been brought to the notice of the Hon'ble Judge that Manish Kumar was also duly identified by the informant, who reached on the spot where both accused persons were apprehended.

Having considered the facts aforesaid and the fact that it is a case of highway robbery in which the petitioner has been duly identified on being apprehended by the villagers and other officials immediately after the occurrence while they were fleeing away, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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