

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78795 of 2019

Arising Out of PS. Case No.-392 Year-2019 Thana- MASRAKH District- Saran

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Vikash Kumar @ Vikash Kumar Ram, Male, 20 years, son of Dasrtha Ram @
Dashrath Ram, resident of Village Bansohi, P.S. Masrakh, District Saran,
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-09-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Mukesh Kumar Singh, learned counsel
for the petitioner and Ms. Rita Verma, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with
Masrakh PS Case No. 392 of 2019 dated 11.09.2019, instituted
under Sections 341/323/379/504/34 of the Indian Penal Code
and 37 (c) of the Bihar Prohibition and Excise Act, 2016.

4. The petitioner and another person is accused of
inflicting *danda* blow on the hand of the informant and
snatching Rs. 20,000/- cash and gold chain from his neck.



5. Learned counsel for the petitioner submitted that the informant and accused are co-villagers and there is false implication. It was submitted that there is allegation that the petitioner and co-accused had hit the informant on the hand by *danda* but it has been stated that the accused ran away waving countrymade pistol in their hands and warning not to lodge case. Learned counsel submitted that the allegation of being drunken is only an allegation made verbally in the FIR without there being any truth to it. Learned counsel further submitted that the petitioner is a student and had passed his intermediate examination in the year 2019 and has clean antecedent. Learned counsel submitted that the petitioner has been falsely implicated as the informant wanted the accused to do free labour (*begari*).

6. Learned APP submitted that from the FIR itself it is clear that the allegation is that the accused, including the petitioner, were in drunken state and had committed crime and the evidence to prove that the allegation is not false is the fact that from the place of occurrence the motorcycle of co-accused has been recovered. It was submitted that at 8:30 pm in the night, the motorcycle of co-accused being found not at his home but far away, clearly indicates that the accused were present at the spot and furthermore, had the motorcycle been stolen, then



an FIR would have been lodged by the co-accused with regard to theft of his motorcycle from his house, which has not been done. It was further submitted that the defence taken in the application that the informant wanted free labour from the accused is also falsified from the fact that the petitioner himself claims that he has passed intermediate examination, which obviously shows that he was not a labourer and, thus, there was no question of anybody expecting him to do such work. Learned counsel submitted that this is a case of crime which has been committed by the accused in a drunken state and the FIR cannot, at this stage, be said to be false, more so, when no plausible reason has been shown in the application of any false implication.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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