

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11778 of 2021**

Arising Out of PS. Case No.-300 Year-2020 Thana- MAHARAJGANJ District- Siwan

RAHUL KUMAR Son of Jitendra Mishra Resident of Village - Bheldi, Police
Station - Bheldi, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 29-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahraj Ganj P.S. Case No.300 of 2020, registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code.

The prosecution case in short is that after withdrawing money from the Bank, when informant was returning home, he stopped to take tea in a hotel. In the meantime two persons on a motorcycle came there and one person started talking to him and



another one was standing near the motorcycle and broke the lock of its dickey. It is alleged that after breaking the lock of dickey, he took Rs.50,000/- and started to flee but was apprehended by the local people and disclosed his name as Rahul Kumar. It is further alleged that from his possession, a bag containing Rs.50,000/- and four duplicate keys have been recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that petitioner is a *feriwala* and used to sell household items on his bicycle and on the alleged date, he was selling his clothes in the roadside. In the meantime informant along with other persons started bargaining the price of bed sheet and when petitioner refused the same, the informant started abusing him, for which, an altercation took place and the informant made the false story as alleged in this case. The petitioner has no criminal antecedent and has been languishing in custody since 11.11.2020.

Learned APP for the State opposed the prayer for bail by



submitting that the allegation against the petitioner is that he broke the lock of the dickey of the informant's motorcycle and took Rs.50,000/-. The said amount and master key have been recovered from his possession.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

However, liberty is granted to the petitioner to renew his prayer for bail after framing of the charge.

Bail application of the petitioner is hereby dismissed.

(Anjani Kumar Sharan, J)

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