

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12214 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Bateshwar Kumar @ Rajnikant Prabhakar, aged about 35 years, male, Son of
Late Brajesh Nandan Kashyap, Resident of village - Chandi Bazar, P.S. -
Chandi, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Pramod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Pramod Kumar Sinha, learned counsel for the informant.

3. The petitioner is in custody in connection with Laheri PS Case No. 18 of 2020 dated 15.01.2020, instituted under Sections 154/380/411 of the Indian Penal Code.



4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 07.07.2020 passed in Cr. Misc. No. 15690 of 2020.

5. As per the allegation, the petitioner, who is husband of the sister of the informant, is alleged to have stolen cash of more than rupees ten lakhs and jewellery from the house of the informant.

6. Learned counsel for the petitioner reiterated the submissions advanced and noticed by the Court in judgment and order dated 07.07.2020. It was submitted that the Court may consider that the petitioner is in custody since 17.01.2020.

7. Learned APP and learned counsel for the informant submitted that the prosecution witnesses have supported the allegation against the petitioner and he was seen coming out hurriedly from the house carrying a black bag with him. It was submitted that even the conduct of the petitioner on the date of occurrence indicates his involvement. It was submitted that the petitioner had made 25 calls to his wife when she had gone with her sister's family to attend a fair at Rajgir and there was no occasion for the petitioner to ring up his wife so many times which indicates that he was just monitoring their whereabouts so as to be sure that they did not return while the offence was being



committed. Learned counsel submitted that even the conduct of the petitioner that he had asked the informant to leave her dog with him indicates that the dog was removed from the house so that he did not bark and alert the neighbours if there was any theft being committed in the house. It was submitted that the pant with paint and the screwdriver which was used in the crime have been recovered from the house of the informant and they belong to the petitioner. Thus, it was submitted that there is no explanation for how the tools used for breaking in the house and the pant with paint of the petitioner was recovered from the house of the informant and this itself is sufficient proof to indicate the involvement of the petitioner in the crime. It was submitted that the period of incarceration being just a little over one and a half years, cannot entitle him for bail.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP and learned counsel for the informant. There being sufficient indication to show complicity of the petitioner in the crime and further no mitigating circumstances since the last order of rejection having been shown, the Court is not inclined to grant bail to the petitioner.



9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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