

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15115 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Vikash Kumar, Son of Sunil Mandal, resident of Village- Pakkisarai, P.S.-
Ghogha, Distt- Bhagalpur. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, APP

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 392, 395 & 412 of the Indian
Penal Code.

While the informant was going to his house after
loading 60 bags of the cement on red Mahindra Tractor and
when he reached at Mahgama more at 11 PM in the night, all of
a sudden a Scorpio came ahead the informant's tractor after
overtaking him. Four persons came down from Scorpio and on
the threat of pistol took the informant into the Scorpio and
snatched Rs.4500/- from his pocket. They also took away
tractor, trailer and Rs.14,000/- kept in the box of tractor. They
tied the hand and eye of the informant and started Scorpio and
threw the informant in a bush.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. No T.I. parade has been conducted. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 05.09.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner along with other co-accused has committed the offence. From perusal of para 65 of the case diary, it transpires that the petitioner has two criminal antecedents of similar nature and he seems to be a habitual offender. The allegation against the petitioner is serious in nature. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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