

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23080 of 2021

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

Rahul Kumar Sah @ Rahul Kumar Singh S/O Late Kapildeo Sah R/O
Muhalla Kurpat, P.S. Sabour, District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-07-2021 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 Jagdishpur
(Goradih) P.S. Case No. 170 of 2020 registered for the offence
punishable under Sections 392, 395, 412 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is
that petitioner along with co-accused looted the informant on the
point of pistol. It is alleged that after unloading cement when the
informant was coming back to his house then suddenly a Scorpio
came ahead the informant's tractor and four persons came down from
Scorpio and showed threat of pistol and took the informant in the



Scorpio and snatched Rs. 4,500/- from his pocket and a mobile phone. The accused persons also took away Tractor, Trialor and Rs. 14,000/- kept in the box of Tractor. The accused persons tied the hand of the informant and threw him in a bush and fled away.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is not named in the F.I.R.. No incriminating article has been recovered from his conscious physical possession. He submits that petitioner has not been put on T.I. parade till date. He further submits that on the basis of confessional statement of the co-accused *Vikash Kumar*, petitioner has falsely been implicated in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has three criminal antecedents as has been mentioned in para 3 of this bail application and has been languishing in custody since 05.09.2020.

Learned APP for the State vehemently opposed the bail petition and submitted that on perusal of the para 64 of the case diary it is found that name of the petitioner has come in confessional statement of co-accused *Vikash Kumar*. Moreover, as per confessional statement of the co-accused, looted articles have been recovered.

In the facts and circumstances of the case, I am not inclined to grant bail to the petitioner in connection with Jagdishpur (Goradih)



P.S. Case No. 170 of 2020 to the satisfaction of learned C.J.M.,
Bhagalpur or successor court.

Accordingly, prayer for bail of the petitioner is hereby
dismissed.

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

(Anjani Kumar Sharan, J)

GAURAV S./-

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