

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28016 of 2020**

Arising Out of PS. Case No.-331 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

BRAJESH KUMAR PANDEY @ BRAJESH PANDEY S/o Sri Ram Pandey
Resident of Village-Kherauni, Police Station-Bihiyan, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.A.M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 12-02-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 19.10.2020, within four weeks of starting of Court proceeding in physical mode.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Udwant Nagar P.S. Case No. 331 of 2019, registered under Section 392 of the Indian Penal Code, pending in the court of the learned Chief Judicial Magistrate, Bhojpur, Ara.

The accusation is that on 21.08.2019, at about 9.30 P.M, informant Sonu Kumar Singh along with his brother Aditya Kumar proceeded for Ara boarding on motorcycle. On the way, three persons boarded on black colour Pulsar



motorcycle came in front of him and made query about the way of Bharasara. At that time, three persons got down from the motorcycle and pointed pistol at him and they took away his mobile set bearing SIM of Idea and Airtel and also took cash of Rs. 13,000/- from the pocket and they also took Pan Card, ATM Card, Voter card. The informant asserted the age of three miscreants between 25 to 30 years out of them two miscreants were in short heights while other was in general height with slim body.

Learned counsel appearing on behalf of petitioner submits that petitioner is not named in the F.I.R. as on the basis of fardbeyan of Sonu Kumar Singh, Udwant Nagar P.S. Case No. 331 of 2019 was instituted under Section 392 of the I.P.C. against three unknown. In course of investigation, one Manish Pandey @ Manish Naga was apprehended in another case, who confessed his guilt having hand in the present case also in association with the petitioner. Further submission is that, in fact, the petitioner is accused in Bihiyan P.S. Case No. 380 of 2019, as detailed in paragraph No. 3, due to that reasons, the Police implicated the petitioner showing his name in the confessional statement of accused.

Having considered the facts and circumstances of



the case and the nature of allegation against the petitioner and also the fact that the informant has detailed the physique and age of culprits, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

