

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35134 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- GAMAHARIYA District- Madhepura

Bimal Kumar, age about 26 years, Gender-Male, Son of Late Madan Mukhiya

Resident of Village - Budhave, P.S.- Singheshwar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-09-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Surya Narayan Yadav, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Gamhariya PS Case No. 5 of 2020 dated 04.01.2020 instituted under Section 393 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment dated 07.07.2020 passed in Cr. Misc. No. 14308 of 2020.

5. The allegation against the petitioner and another co-accused is that they had come on an unnumbered motorcycle



and had stopped the informant at gun point and snatched the bag and motorcycle of the informant but while trying to flee, the villagers had caught the petitioner whereas the other co-accused along with firearms had managed to run away.

6. Learned counsel for the petitioner submitted that the petitioner is in custody since 05.01.2020 and has been falsely implicated as he had been called by the informant to repair his motorcycle, which had developed some snag.

7. Learned APP submitted that the Court had considered the matter on merits on the earlier occasion being assisted on the basis of the case diary in which it had come that the petitioner was caught by the local villagers upon chase and was also thrashed due to which he suffered injuries and, in the investigation, it has not come that any calls were made by the informant to the petitioner for calling him to repair his motorcycle.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any mitigating circumstances to re-consider the prayer for grant of bail to the petitioner, especially in view of what has been recorded in judgment dated 07.07.2020 in Cr. Misc. No. 14308 of 2020.



9. For reasons aforesaid, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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