

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 31748 of 2020**

Arising Out of PS Case No.-86 Year-2016 Thana- KAJI MOHAMMADPUR District-  
Muzaffarpur

Subodh Patel @ Subodh Kumar, aged about 36 years, Gender- Male, Son of  
Mahendra Patel, Resident of Village-Ramdas Manjhauli, PS-Bochaha,  
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Ravi Ranjan, Advocate         |
| For the State        | : | Mr. Chandra Sen Prasad Singh, APP |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 12-03-2021**

Heard Mr. Ravi Ranjan, learned counsel for the  
petitioner and Mr. Chandra Sen Prasad Singh, learned Additional  
Public Prosecutor (hereinafter referred to as the 'APP') for the  
State.

2. The petitioner apprehends arrest in connection with  
Kaji Mohammadpur PS Case No. 86 of 2016 dated 29.02.2016,  
instituted under Sections 394 of the Indian Penal Code and 27 of  
the Arms Act, 1959.

3. As per the allegation, though the petitioner is not  
named in the FIR, is that he was the person who had snatched the  
bag containing Rs. 2,50,000/- of the employee of the informant



and had given Rs. 70,000/- out of that to co-accused Ritesh Kumar, on whose confessional statement his name has been taken.

4. Learned counsel for the petitioner submitted that except for the confessional statement, there is no other material to connect him to the crime and no recovery has also been made from him. It was submitted that the petitioner was not even aware of his implication and that is why when the police applied for non-bailable warrant in the year 2020, he has moved the Court. Learned counsel submitted that in the investigation, no injury report has been brought on record and thus, no injury was ever sustained by the victim.

5. Learned APP, from the case diary, submitted that the petitioner is a habitual offender and there are two cases under serious sections of the Indian Penal Code against him including Section 302. Learned counsel submitted that the petitioner is a veteran criminal and that is why people of the locality will not be able to identify him even in the Test Identification Parade. Learned counsel submitted that the co-accused has clearly stated that it was the petitioner who had snatched the bag and gave part of the share to the said co-accused, Ritesh Kumar. Learned APP submitted that the victims suffered injury and one person has been inflicted by paralysis due to such injury.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, on prayer made by learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail, within four weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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