

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32188 of 2020**

Arising Out of PS. Case No.-53 Year-2020 Thana- GAYA MUFASIL District- Gaya

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LANKESH KUMAR ANUJ @ ANUJ KUMAR S/o Tara Ram @ Tara Ram
Turi Resident of Village-Gandhi Nagar, P.S.-Mufasil, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv
For the Opposite Party/s : Mr. J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 05-02-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 14.02.2020 in connection with Muffasil P.S. Case No. 53 of 2020 for the alleged offences under Section 392/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in connection with looting of a tempo. It is submitted that the petitioner has not been named in the FIR which has been instituted against two unknown persons. It is submitted that no recovery of any incriminating articles has been made from the conscious possession of the petitioner who has suffered almost one year in custody and claims clean antecedents.

4. Learned APP appears and invites reference to para 11 of the case diary in which it has been recorded that two persons, the petitioner and Arjun Sahni, were apprehended and



tempo driver's mobile phone was recovered from Arjun Sahni. In para 22 of the case diary, the statement of the owner of the tempo has been recorded, to the effect that the tempo driver has identified the petitioner and Arjun Sahni and that on their statement the looted tempo has been recovered. Similar statement has been recorded in para 23 of the case diary with regard to recovery of the tempo on the basis of confession of the petitioner and Arjun Sahni.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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