

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33444 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- GAMAHARIYA District- Madhepura

SUSHIL KUMAR, Son of Manoj Sada Resident of Village - Manpur, Tola Mahuli, P.S.- Gamharia, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-03-2021 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 07.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gamharia P.S. Case No. 145 of 2019, registered under Section 392 of the Indian Penal Code, pending in the court of the learned Judicial Magistrate, 1st Class, Madhepura.

The accusation is of committing robbery of motorcycle bearing its registration No. BR-09AC-5835 of the informant by four unknown miscreants. The informant has detailed the physique of the culprits indulged in robbery of the motorcycle.



Learned counsel appearing on behalf of petitioner submits that petitioner is not named in the F.I.R. In course of investigation, one Nandan Kumar was apprehended by the Police, who confessed his guilt regarding robbing of motorcycle of the informant in association of the petitioner and two others, namely, Suresh Ram and Ravish Kumar Yadav. Further submission is that Suresh Ram and Ravish Kumar Yadav have already been allowed privilege of bail by the trial Court.

Having considered the facts and circumstances of the case and the fact that informant has detailed the physique of the culprits, who were indulged in robbing the motorcycle, and the name of the petitioner has been disclosed by co-accused Nandan Kumar, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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