

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34036 of 2020**

Arising Out of PS. Case No.-253 Year-2019 Thana- PATEPUR District- Vaishali

BIPIN KUMAR Son of Hari Chandra Chaudhary @ Harish Chandra
Chaudhary Resident of Village- Habibpur, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 12-04-2021

Heard both sides.

The petitioner apprehends his arrest in Patepur PS case No. 253/2019 registered under Section 392/411 of the IPC.

The informant, an employee of LNT Financial Service, was returning after collecting money from Habibpur. At about 12 Noon when the informant reached near Ramsul Chowk, all of a sudden two unknown persons riding on a blue Glamour motor cycle intercepted the informant and looted away cash worth Rs. 90,250/-, biometric machine and all the papers relating to his motor cycle kept in a bag along with other papers.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of petitioner surfaced in the case in the confessional statement of Sujeet Kumar. Nothing has been recovered from the possession of the petitioner. The recovery is made from the possession of Sujeet Kumar. Sujeet Kumar happens to be cousin brother of the petitioner but from perusal of paragraph 16 of the case diary it appears that house of Harishchandra Choudhary, who is non else



than father of the petitioner, was raided and used motor cycle in the crime was recovered from the house of Harishchandra Choudhary. The petitioner managed to flee away from his house but his cousin brother, Sujeet Kumar, was apprehended and from his possession ATM card and other articles looted from the informant were recovered. Sujeet Kumar confessed that he and his brother, Bipin Kumar, the petitioner, committed the crime and petitioner had concealed the bag containing money. From the house of petitioner on Glamour motor cycle was recovered. ATM card and mobile of Deepak Kumar Rai were recovered from the house of Harishchandra Choudhary as appears from perusal of paragraph 22 of the case diary.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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