

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34004 of 2020

Arising Out of PS Case No.-394 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Vikram Kumar @ Guddu Kumar, Male, aged about 26 years, Son of Jagarnath Ray, Resident of Village- Mohabbatpur Jagdamba Sthan, PS- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the State : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar, learned counsel for the petitioner and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Hajipur Sadar PS Case No. 394 of 2020 dated 08.07.2020, instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner is that he was party to the loot in the house of the informant at gun point in



which *Mangalsutra* worth Rs. 10,000/-, two sets of jhumka, Aadhar Card of the informant and her husband were taken and also two mobile sets.

5. Learned counsel for the petitioner submitted that he is not named in the FIR and only on the confessional statement of co-accused, he has been made an accused. It was submitted that there is nothing to connect the petitioner with the crime as there is no recovery from his place. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner's presence near the place of occurrence has been found from the CCTV recording and, thus, he cannot plead innocence. It was further submitted that co-accused taking the name of the petitioner also cannot indicate false implication as there is no enmity between the parties. Learned counsel submitted that the presence of the petitioner at the time and place of occurrence has been noted in the order dated 05.09.2020 of the learned Additional District and Sessions Judge-XI, Vaishali at Hajipur in Anticipatory Bail Petition No. 1823 of 2020, by which the prayer for anticipatory bail of the petitioner was rejected.



7. 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.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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