

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33882 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

Santosh Kumar @ Avinash Kumar, aged about 21 years, Male, S/o Sri
Yogendra Yadav R/o village- Bhaluar, P.S.- Uphara, District- Aurangabad
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-03-2021

The matter has been heard *via* video conferencing.

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

3. The petitioner apprehends arrest in connection with Magadh University PS Case No. 11 of 2020 dated 26.01.2020, instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner, though not named in the FIR, is of being involved in looting the pick-up van of the informant at gun point on which 6.40 quintals of fish was loaded.

5. Learned counsel for the petitioner submitted that he has no criminal antecedent and is a student. It was submitted



that after two days of the incident, the pick-up van was recovered from a petrol pump and two persons were arrested who had taken the name of five persons, including the petitioner, alleging that they were the persons who were there at the time of looting of the pick-up van. It was submitted that due to ulterior motive the name of the petitioner has been given by the arrested persons. Learned counsel submitted that the persons who were arrested at the spot have been granted bail.

6. Learned APP submitted that there is no reason for any false implication as two persons who were caught near the pick-up van after two days have disclosed the name of the petitioner also as one of the persons who was there at the time of looting of pick-up van of the informant, and the same cannot be brushed away, at least at the present stage.

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)

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