

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35915 of 2020

Arising Out of PS. Case No.-316 Year-2020 Thana- MADHEPURA District- Madhepura

GUDDU KUMAR Son of Siyalal Yadav Resident of Village- Budhma
Lakhraj, Police Station and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Madhepura P.S. Case No.316 of 2020 registered under Sections 392, 414 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant alleged that while he was returning to his house from his office and when he reached near Budhma railway crossing, three persons riding on an Apache motorcycle came there and snatched the key of the motorcycle and the bag containing laptop and different documents. The accused persons also snatched mobile and purse containing Rs.4,360. The accused persons also snatched the motorcycle of the informant bearing registration No.BR-43Q-5054. The informant further alleged that out of three accused persons, he identified one of



the accused by his gait and gesture as Guddu Kumar, S/o Siyalal Yadav.

The learned counsel for the petitioner submits that the petitioner and the informant are the residents of neighbouring villages. The informant was well acquainted with the petitioner from before. The family of the petitioner and the family of the informant were on litigating term with regard to land dispute and that is why the petitioner has falsely been implicated in the case. It is further submitted that mobile location of the petitioner was traced out and found in village Budhma. Petitioner is the resident of village Budhma Lakhraj and there is nothing unusual that petitioner was found in his house or in his village at the time of occurrence but it appears that of course the informant suspected the participation of the petitioner in the alleged crime of robbery but during the course of investigation, it transpired on the basis of C.D.R. of the mobile of the petitioner that petitioner was using two mobiles and he and Kundan Kumar was found in a village situated near the place of occurrence. The motorcycle was also recovered in the vicinity of the place of occurrence. It appears that petitioner has not produced any document to show the enmity or land dispute with the informant.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court and dispose of the regular bail petition of the petitioner preferably, if possible, on the same day.

(Prabhat Kumar Jha, J)

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