

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19727 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- BELDOUR District- Khagaria

Nandan Kumar Son Of Bilash Yadav Resident Of Village- Mali, Police
Station- Beldaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Beldaur P.S. Case No. 37 of 2022 registered for the offence
under Section 392 of the Indian Penal Code.

As per allegation four unidentified persons riding on
two motorcycle firstly overtook the informant's motorcycle and
thereafter dashed their motorcycle against the informant's
motorcycle and at the time of alleged occurrence the informant
was returning with his wife and friend from a marriage
ceremony and after the informant and his companion fell down,



the accused persons snatched away a hand bag containing Rs. 3000, ATM card from the possession of informant's wife and also looted informant's motorcycle and later on informant came to know about the two co-accused persons, namely Shailendra and Aashik being involved in the alleged occurrence of loot.

The main submissions advanced by learned counsel for the petitioner are that the FIR of the present case was lodged after two days of the occurrence regarding which there is no explanation, admittedly petitioner was not arrested at the spot and any looted article was not recovered from his possession and the articles which are stated to have been recovered in following with the disclosure statement made by this petitioner have not been put to identification parade. Further submissions is that petitioner has been languishing in jail since 15.02.2022 having no criminal antecedent.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and seizure memo attached to the FIR. As per the order of learned Court below during the course of investigation, the petitioner was interrogated on the basis of his mobile phone's location and during that interrogation petitioner made a disclosure statement



which led to the recovery of looted articles from the possession of co-accused persons. Considering the discussed facts and seriousness of the occurrence in the opinion of this Court, petitioner does not deserve privilege of bail at this stage. Accordingly, his bail prayer stands rejected. Petitioner may renew his prayer after the framing of charge in his case, if he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J)

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