

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37474 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- SANDESH District- Bhojpur

MANOJ NUT, S/o Bhola Nut @ Dashai Nat, R/o village- Sandesh, P.S.-
Sandesh, Distt.- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 39399 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- SANDESH District- Bhojpur

RAHUL NUT, Son of Late Ganesh Nut, R/o Village- Tajpur Tola Tar,
Lahladpur, P.S.- Janta Bazar, District- Saran (Wrongly described as R/o
Village- Laohar, P.S.- Barhara, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37474 of 2021)

For the Petitioners : Mr. Vikram Deo Singh, Advocate

Mr. Ajay Kumar Singh, Advocate

For the Informant : Mr. Surendra Kumar Singh, Advocate

For the State : Mr. Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 39399 of 2021)

For the Petitioner : Mr. Bishwajeet Singh, Advocate

For the Informant : Mr. Surendra Kumar Singh, Advocate

For the State : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-02-2022 Learned counsel for the petitioners is granted two weeks' time to remove all the defects.

At the outset, this Court refuses to entertain the main copy of the affidavit sought to be filed on behalf of the opposite party no. 2 because it has been drawn on rough papers and is not in accordance with the High Court Rules.



Heard Mr. Vikram Deo Singh, learned counsel for the petitioners in Cr. Misc. No. 37474/2021 and Mr. Bishwajeet Singh, learned counsel for the petitioner in Cr. Misc. No. 39399/2021, Mr. Surendra Kumar Singh, learned counsel for the informant and Mr. Md. Fahimuddin, learned A.P.P. for the State.

The two petitioners in these two applications are seeking regular bail in connection with Sandesh P.S. Case No. 294 of 2020 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code. They have been taken on remand in this case on 17.12.2020 and 21.12.2020 respectively. They have got two criminal antecedents each being Sandesh P.S. Case No. 291/2020 under Section 394 I.P.C. and Sandesh P.S. Case No. 292/2020 under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution story, on 12.10.2020 at about 8:00 p.m. the informant and his nephew were going from Panpura to Sandesh to purchase medicine. They were intercepted by some robbers and in course of the protest lodged by the informant and his nephew the robbers were unmasked. They were identified as Vijay Nut, Manoj Nut and Sanjay Nut, all brothers and resident of Sandesh Nut Toli. The two others could not be identified but later on, on inquiry the informant came to know



that they were Rahul Nut (petitioner in Cr. Misc. No. 39399/2021) and Jhanjhat Nut.

Learned counsel for the petitioners submits that as per the First Information Report it was the co-accused Vijay Nut who had fired upon the nephew of the informant as a result whereof the nephew of the informant died one day after the alleged occurrence in course of his treatment. It is his submission that so far as Rahul Nut is concerned, he was not identified by the informant on the spot. It is lastly submitted that though the petitioners have got two criminal antecedents but in both the cases they are on bail.

On the other hand, Mr. Surendra Kumar Singh, learned counsel for the informant submits that this case being Sandesh P.S. Case No. 294/2020 is to be looked into in the continuation of the series of incidences which took place during 12.10.2020 and 13.10.2020. In the occurrence which took place on 12.10.2020, the nephew of the informant was killed by the robbers and they have been identified. So far as Rahul Nut is concerned, he happens to be the brother-in-law of the main assailant Vijay Nut and he was also present in the alleged occurrence. Since Rahul Nut is of another village, he could not be instantly identified, but later on the informant claimed that it



was Rahul Nut and Jhanjhat Nut who were the other two persons not named in the F.I.R.

Learned counsel for the informant further submits that from the impugned order it would appear that these petitioners were arrested by Police in connection with Sandesh P.S. Case No. 292/2020 when they looted one Jayesh Pandey. From possession of the petitioners and the co-accused Vijay Nut looted articles were recovered which are mentioned in the F.I.R. of that case. It is further pointed out that the Pulsar Motorcycle, which was also a looted motorcycle, was recovered from possession of the petitioner Manoj Nut who was also having a knife and from possession of co-accused Rahul Nut apart from looted cash of Jayesh Pandey, his passbook, ATM Cards, owner book of Glamour Motorcycle belonging to said Jayesh Pandey and other incriminating articles were recovered. It is submitted that these petitioners are the dreaded criminals of the locality who are involved in committing robbery and on protest one of them Vijay Nut fired upon the nephew of the informant and ultimately he died during treatment.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in the F.I.R. itself it is alleged that the informant's side were being threatened



in this case, therefore if released on bail at this stage the petitioners are likely to indulged in threatening of witnesses and will not allow the trial to be concluded on an early date.

Having regard to the submissions, the seriousness of the offence in which in course of committing loot the nephew of the informant has been killed and further that these petitioners have got criminal antecedents and they have been arrested with incriminating articles of looted materials in connection with another case and only after their arrest in the said case, they have been brought in custody in the present case, this Court is not inclined to release the petitioners on bail at this stage.

Prayer for regular bail of the petitioners is, thus, refused.

Let the trial be concluded.

The learned trial court is directed to keep the records of this case on shorter dates and all endeavours be made to conclude the trial as early as possible.

The Public Prosecutor must cooperate by producing all the prosecution witnesses on the dates fixed in the matter.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

