

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52733 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- RAJGIR District- Nalanda

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DEVANAND KUMAR S/O SRI ARJUN LAL RESIDENT OF MOHALLA-
BELTHAN BAKHTIYARPUR, P.S.- BAKHTIYARPUR, DIST.-PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadh Bihari Ojha, Sr. Advocate
		Mr. Nitesh Kumar, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2022 Heard Mr. Awadh Bihari Ojha, learned senior counsel for the petitioner and Mr. Abhay Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Rajgir P.S. Case No. 210/2021 registered for the offences punishable under Sections 420, 379, 341 and 323/34 of the Indian Penal Code 1860.

The prosecution case, as per the First Information Report, is that while the informant was standing near the Rajgir bus stand in order to proceed towards his village, an unknown person came near him and told that his car was going to '*Side par*' following the route of his village, and on his request, the



informant boarded the car in which two persons including the driver were sitting on the front side of the car, and the informant sat on the back seat along with the said boy. It has further been alleged that when the car started moving from the *Mahadeopur*, the boy seating in the car snatched ATM card from the informant and took PIN number forcibly from him. Further allegation is that he also took the Mobile Phone, Aadhar card etc. from the informant and pushed him from the moving car. On enquiry, it has been found that a sum of Rs.20,000/- was withdrawn through the said ATM from the Bank and the petrol worth Rs.3,500/- was purchased using the said ATM Card.

Learned senior counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has been implicated in this case on the basis of confessional statement made by the co-accused whose car was identified in the CCTV footage and was arrested by the Police. He next submits that from perusal of Annexure-3 it would be evident that the Superintendent of Police, Patna, had granted him certificate of good behaviour and based upon that, the petitioner purchased a car and the registration paper of the same has been annexed as Annexure-4 to this application. Learned counsel also submits that the petitioner is a businessman and is an authorized



distributor for packaging drinking water in the name and style “MUM” for Bakhtiyarpur Division, for which, certificate was issued on 10.10.2013 by ‘*Sudh Dhara Water Works*’, situated at Kalali Road, Barh. He next submits that no Test Identification Parade has been conducted by the Police. The petitioner is in custody since 15.7.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that petitioner has no criminal antecedent, his name transpired on the basis of confessional statement of co-accused and he has not been put on Test Identification parade, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Nalanda, Biharsharif, in connection with Rajgir P.S. Case No. 210/2021.

(Anil Kumar Sinha, J)

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