

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2176 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- RAGHOPUR District- Vaishali

Dharmendra Rai Son Of Sri Kapil Rai @ Sri Kapildeo Rai R/V- Rampur
Shyamchand, Bhagwan Tola P.S- Raghapur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

392 of the Indian Penal Code.

The prosecution case as per F.I.R is that on

30.07.2022, after collecting Rs. 2,23,500/- kept in his

bag, the informant was returning to Patna and reached

300 meter away from Kanhai Chowk then three persons

riding on a motorcycle intercepted him and one of them

snatched the bag containing money on pistol point and

all the three accused persons fled away after just a



minute, the police petrolling team arrived at the place of occurrence and and chased the accused persons and during chase, one of them fell on the ground and tried to flee but he was caught who disclosed his name as Dharmendra Rai, the petitioner. The bag of the informant containing cash was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was neither arrested from the spot nor any incriminating article has been recovered from his possession. The petitioner was apprehended in this case only on the basis of suspicion. The petitioner is languishing in custody since 01.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner was



apprehended from the spot. The recovery has been made from the possession of the petitioner.

Considering the fact that there is specific accusation against the petitioner and the recovery has been made from his possession, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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