

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49283 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- MUFFASIL District- Aurangabad

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RAUSHAN KUMAR @ GATHER @ RAUSHAN KUMAR SINGH S/o
Nathun Singh Resident of Village- Chakuwan, P.S.- Kutumba, District -
Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishana Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and learned APP for the State in

Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Aurangabad (Muffasil) P.S. Case No. 325 of 2021
instituted under section 392 of the Indian Penal Code.

As per the FIR, the informant was moving from
Gadhwa to his village at Karakt in his swift car and as he
stopped the car to attend the call of nature, three accused
persons on two motorcycles after assaulting and on the point of
pistol, snatched the car and fled away towards Sundarganj.



However, the informant communicated the same to the local police which in turn was able to capture the said vehicle as also the motorcycles of the accused persons, who were able to escape.

As per the FIR, all the three accused persons had covered their faces with towel (Gamchha).

Learned counsel for the petitioner submits that the FIR itself shows that the accused persons were masked. It was during the investigation that Nikhil and Prakash Kumar Singh were picked up who not only confessed their guilt but due to enmity took the name of the petitioner and as such he came in the present case. It is his last submission that the petitioner do not have any criminal antecedent and nothing has been recovered from his house.

The learned APP on the other hand submits that it was a case of snatching of the vehicle from the Highway and as such the petitioner does not deserve bail.

Taking into account the fact that the petitioner is not named in the FIR, the informant has stated that all the accused persons were masked, his name came up by the arrested person before the police and he do not have any criminal antecedent, this Court is inclined to grant him relief.



Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Muffasil) P.S. Case No. 325 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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