

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62723 of 2023

Arising Out of PS. Case No.-626 Year-2022 Thana- RAHUI District- Nalanda

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VIRAJ KUMAR @ VISHWAJIT KUMAR S/O VINOD PASWAN R/O
VILL- BENGALI BIGHA, PS- CHANDAUTI, DIST- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 406, 420, 182, 211 and
120B of the IPC .

3. As per the prosecution case, one Deepak Kumar,
S.I.-cum-investigation officer of Rahui P.S. Case No. 84/22,
submitted his written report to the S.H.O. of Rahui P.S. that
during the course of the investigation, it came to light that the
mobile phone bearing IMEI No. 355922104087255 and SIM
No. 7970744808 was snatched in the above case, which was
used by someone at Bangali Bigha in Gaya District. It is further
alleged that during the raid on the house of the mobile user
Vishwajeet Kumar, the S/O of Vinod Paswan came and told him



that Viswajeet Kumar is his son, and Viswajeet Kumar and Viraj Kumar are the same person who had gone to the house of his friend. After that, police searched the house of his friend Sauraya Raj @ Fantush. When Vishwajeet Kumar and Viraj Kumar saw the IO, S.J. Deepak Kumar and Viraj Kumar managed to escape, but another boy was apprehended, who disclosed his name as Sauraya Raj @ Fantush. After being searched by I.O., one Samsung mobile phone bearing IMEI No. 355922104087255 along with Rs. 20,000/- was recovered, which was the same mobile snatched in Rahui P.S. Case No. 84/22. It is further alleged that the apprehended person, namely Sauraya Raj, disclosed that the mobile in question was handed over to him by his friend, namely the petitioner, who works at Fusion Finance Ltd., Biharsharif, Nalanda, and he used to collect the amount of the company, and then they planned to loot the collection amount of the company, and then on February 11, 2022, in a plan, the accused persons created a story of looting of Rs 1,40,000/- and lodged a false case. It is further alleged that after lodging the false case, they divided the amount in question, and the papers that were in the bag were burned.

4. It is submitted on behalf of the petitioner that the petitioner's named transpired on the basis of confessional



statement of co-accused Sauraya Raj @ Fantush. No looted article or cash was recovered from the house of the petitioner and he is no way connected with the alleged occurrence . Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submitted that during course of investigation it has come that petitioner was found using the stolen mobile and also participated in the loot of Rs. 1 lakh 40 thousand. The name of petitioner was disclosed by the co-accused person namely Sauraya Raj @ Fantush who was apprehended on the spot.

6. Considering the nature of accusation and the fact that petitioner was found using the stolen mobile , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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