

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64135 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- PATRAKARNAGAR District- Patna

1. RAMESHWAR RAI @ RAMISHWAR RAY SON OF RAGHUNATH RAY
RESIDENT OF VILLAGE - BHOJPATTI, POLICE STATION - SARAI,
DISTRICT - VAISHALI AT HAJIPUR
2. TUTUL PASWAN @ SANJIV KUMAR SON OF JAWAHAR PASWAN
RESIDENT OF VILLAGE - BHOJPATTI, POLICE STATION - SARAI,
DISTRICT - VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-10-2023 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Patrakar Nagar Police Station Case No. 209 of 2023,
dated 15.03.2023, disclosing offences under Section 379
of the Indian Penal Code.
3. The prosecution case, on the basis of First Information
Report, is that on 15.03.2023, the informant got down
from Train No. 12130 (Tejas Express) at Rajendra Nagar
Terminal and took auto to reach nearby bus stand. The
informant, along with his wife and son, sat in the middle
seat, the trolley bag having cash and jewellery and one



another bag of the informant were kept in the backside of the auto by the driver. The driver of the auto dropped them near bridge and told the informant that he would get a bus which would go to Darbhanga. After reaching his native place at Darbhanga, when the informant opened the trolley bag he saw that jewellery and cash amounting Rs. 3,54,500/- were stolen.

4. Learned counsel for the petitioners submits that they are not named in the First Information Report and have falsely been implicated in this case on the basis of confessional statement of co-accused Jahangir @ Pappu and no stolen article has been recovered from the possession of the petitioners and no legal evidence is there against the petitioners to show that they have committed the present offence.
5. I have heard learned counsel for the parties. Upon perusal of the impugned order, it appears that in paragraph no. 21 and 27 of the case dairy, the petitioners have been identified as the gang of thieves and mastermind of this gang is one Basant Paswan (co-accused). The driver of the auto was arrested and he disclosed the names of the petitioners, including others. In paragraph no. 39 of the



case dairy it is mentioned that the petitioners are veteran criminals and their criminal antecedents were searched. From perusal of the paragraph no. 3 of the application, it appears that petitioners have criminal antecedents of similar nature of offences. At this stage, the admissibility of evidence is not required to be taken note of as this Court is not holding mini trial. It appears that the petitioners are members of organized gang, accordingly, I am not inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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