

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59700 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- RAGHOPUR District- Supaul

RAKESH KUMAR S/O Sikendra Yadav R/O Village- Fulkaha, P.S- Judia,
District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Raghopur PS case no. 157 of 2021 instituted for the offences punishable under Section 392/34 of the Indian Penal Code.

The case of the prosecution, according to the informant, is that on 25.06.2021, while he was returning back after collecting money from the shopkeepers in connection with the bricks supplied to them and had reached near the shop of one Arbind Sah, the informant and one another person had got down from their four wheeler vehicle and had gone inside the said shop, whereafter they had told the younger son of the said Arvind Sah that it was their last stop, hence whatever money he has to give may be given to them *in lieu of* the bricks purchased by him,



however, in the meantime, at around 15.55 hours, four miscreants riding on a motorcycle had arrived there and on pistol point, had asked them to hand over the cash amount being carried by them, whereupon the informant had told them that he is not having any money, whereafter the said miscreants had gone towards the four wheeler vehicle of the informant and had taken out a sum of Rs. 2,50,000/-. It is also alleged that the said miscreants had also taken away two cheques worth Rs. 2,15,000/- and 15,000/-, respectively, apart from decamping with other articles including the key of the vehicle in question.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 10.08.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case upon the confessional statement made by the co-accused persons namely Md. Shakil and Md. Jubair. It is also submitted that no looted cash amount has been recovered from the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that charge sheet has been filed against the petitioner, finding the case to be true as against him and the learned trial court has also taken cognizance of the offence alleged *qua* the petitioner apart from the fact that the petitioner is a veteran criminal, inasmuch as he is an accused in 09 other cases, I am not inclined to grant bail to the petitioner herein, hence, the present petition stands dismissed. In this regard, it may be relevant to refer to a judgment rendered by the Hon’ble Apex Court in the case of *Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr.*, reported in *(2012) 9 SCC 446*.

(Mohit Kumar Shah, J)

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