

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9303 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Randhir Kumar @ Bhagat S/o Late Sanjay Prasad R/o Village - Shamohak,
P.S. - Makhdumpur, District - Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Durgesh Nandan, Advocate

For the Opposite Party : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Makhdumpur P.S. Case No. 707 of 2023 dated 08.11.2023, instituted for the offences punishable under Sections 341, 323, 379, 384, 504, 506, 34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 07.11.2023, at about 2:30 PM, while the informant was on his way to Makhdumpur, the petitioner along with co-accused, Dinesh @ Subham Kumar stopped the car of the informant and in course of conversation, they demanded their balance of Rs. 5,000/- each, which was due from the informant. Out of fear, the informant handed over Rs. 6,500/- to them and petitioner snatched his, Cellphone, ATM Card and gold chain, worth Rs.



47,000/-. It is further alleged that they also withdrew Rs. 15,000/- and transferred Rs. 10,000/-, Rs. 8,000/- and Rs. 12,000/- to one Bimal Kumar, Viranjan Kumar (co-accused) and Dulari Devi respectively on Phone-pay.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the petitioner was running an institute in the name of Bihar Institute of Nursing and Paramedical Education at Masauri, District-Patna, where the petitioner was appointed as Guard as well as bodyguard, on the payment of Rs. 12,000/- per month. He had joined the said institution on 01.08.2022 and worked there for five months. It is further submitted that the petitioner was removed from the job on 02.01.2023, but has not been paid with regard to his service. It is further submitted that as per the bail rejection order, the learned Lower Court, *vide* order dated 03.01.2024, clearly stated that the petitioner No. 1 (petitioner-Randhir Kumar) is named in the FIR and petitioner No. 2(co-accused, Viranjan Kumar) is one of the person who received the transferred money from the cellphone of the informant. It is also submitted that the date of occurrence is said to be 07.11.2023 at 02:30 PM and the FIR has been lodged on 08.11.2023 at 21:50 hrs and the distance from the



place of occurrence and Police Station is about 1 KM. Further, it is submitted that nothing has been recovered from the possession or from his account. There is a dispute with regard to salary of the petitioner, due to which the said false case has been instituted. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Makhdumpur P.S. Case No. 707 of 2023, he shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, 1st, Jehanabad, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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