

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16089 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Badal Kumar, Male, aged about 20 years, Son of Late Parsurasm Mandal,
Resident of Village- Sitarampur, P.S- Sultangunj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 346 of 2023 instituted for the offences
punishable under Sections 392, 394 and 411 of the Indian Penal
Code.

3. As per the prosecution case, all the accused persons
assaulted the informant on both hands, snatched his samsung
mobile having two Sims as well as also snatched his purse
containing Rs. 28,000/-, paper of truck, key, Rinch and silver
chain from his neck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.



He submits that the informant is the truck driver of the truck bearing Registration No. BR 24GB 5605. Petitioner has been made accused only on the basis of altercation between the villagers. He further submits that the informant and other driver used to ply the truck from the village road to save themselves from the police, who carried illegal sand from elsewhere and due to rash and negligent driving every day in the surrounding village accident has taken place for that adjoining village which connected to NH were decided not to enter the truck in the village, some persons monitoring the movement of the truck after sitting on the chair in the middle of the road. Petitioner has got clean antecedent as stated in para 3 of the petition and is in custody since 02.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 14th Additional Sessions Judge, Bhagalpur dated 06.12.2023, it appears that on the basis of fardbeyan of the informant (victim) Suraj Kumar, the case has been lodged against four accused persons including the petitioner under Sections 392 and 394 of the Indian Penal Code. After alarm raised by the informant, some local villagers reached at the place of occurrence and caught two persons including the



petitioner. Petitioner is named in the FIR. From bare perusal of the impugned order, it reveals that looted mobile has been recovered from the possession of the petitioner and statement of the witnesses have also supported the prosecution case. In the confessional statement of co-accused Pappu Kumar Sah and Badal Kumar (petitioner) have also confessed their guilt and other co-accused Sawan Kumar, who has disclosed the involvement of this petitioner in the alleged crime.

7. Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. The learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of this order. If the trial is not concluded within the stipulated period, the petitioner may be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

