

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45851 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BARHIYA District- Lakhisarai

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Santosh Kumar S/o- Parshuram Pandit VILL - WALIPUR, P.S. - PIPARIYA,
DIST - LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Barahiya P.S. Case No. 04 of 2024,
registered for the offences punishable under Sections 395, 397
of the IPC and section 27 of the Arms Act.

3. As per allegation, the informant along with his
friend namely Guddu Kumar was going to lodge FIR and when
he reached near *Drok Mor*, six accused persons over two
motorcycles came there and they snatched their mobiles and
motorcycle. When the informant protested, they opened fire in
air and assaulted him with butt of pistol.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Nothing was recovered from his possession. He was not arrested at the spot. His name has figured in confessional statement of co-accused Nilesh Kumar.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the petitioner has one criminal history of similar nature of present case. The statement of co-accused Nilesh Kumar is leading to recovery and on the basis of statement of Nilesh Kumar, stolen articles were recovered from possession of co-accused persons namely Gaurav Kumar and Sonu Kumar.

6. Considering the above-mentioned facts and circumstances, especially the criminal antecedent of the petitioner as well as the fact that the confessional statement is leading to recovery, I am not inclined to grant bail to the petitioner, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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