

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52552 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- PIRO District- Bhojpur

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1. Rabi Yadav son of Late Janeshwar Singh Village- Ujain Dihra Ps- Piro Dist- Bhojpur
 2. Raj Kumar @ Raj Kumar Yadav son of Rabi Yadav Village- Ujain Dihra Ps- Piro Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Vide order dated 27.08.2024, this application was dismissed as withdrawn in respect of petitioner no.1. Now, this application survives for petitioner no.2 only.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 384, 386 of the Indian Penal Code.

4. Allegedly, all the FIR named accused persons including the petitioner are said to have committed *loot-paat* and snatched the golden chain as well as ring and Rs. 25,000/- from the possession of the informant on gun point.



5. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Nothing has been recovered from the conscious possession of the petitioner. There is no specific overt act against the petitioner. It is further submitted that both the petitioner and the informant are known to each other and there is good relations between them. The real fact is that the petitioner had given Rs. 1 lac to the informant for his business, but after sometime, when the petitioner demanded his money back, the informant did not return the same and filed this false case against the petitioner and others. It is further submitted that there is inordinate and abnormal delay of more than 24 hours in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Learned counsel further submits that petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

6. Learned APP for the State opposes the prayer for bail.

7. Having regard to the facts and circumstances of the



case, since there is no cogent material available on record to indicate the complicity of the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Piro P.S. Case No. 64 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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