

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65042 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Bajitpur District- Darbhanga

Kaushlendar Yadav Son of Dilip Yadav @ Dileep Yadav Village- Chak-
Chintamanipur, P.S.- Bajidpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-10-2024 1. This application, for grant of anticipatory bail, arises out of Bajitpur Police Station Case No. 42 of 2024, dated 22.06.2024, disclosing offences punishable under Sections 395/397 of the Indian Penal Code.
2. The prosecution case, as per the First Information Report, is that the informant is a poclain driver and was working as Operator in a construction company along with his helper, namely, Sandeep Kumar. On 21.06.2024, in night, at about 01:00 AM, 7-8 miscreants arrived at the construction office, concealing their faces with mask and started assaulting the informant and his helper and also snatched Rs. 5000/- and mobile phones of the informant and upon objection the accused miscreants pointed gun on his head. The informant could not identify the miscreants.



3. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because he is having criminal antecedent. He further submits that the petitioner has been made accused in this case on the basis of the confessional statement of co-accused, the police went to the house of the petitioner in search and has unauthorizedly seized his bullet motorcycle.
4. I have heard learned counsel for the parties and perused the materials on record including the impugned order.
5. From the impugned order, it appears that during investigation, with the help of tower location of SIM of looted mobile phone, co-accused Pankaj Yadav was apprehended using the looted mobile phone with another SIM. The said co-accused Pankaj Yadav has confessed and stated about the involvement of the petitioner in the present offence along with other accused persons. On the statement of co-accused Pankaj Yadav, the house of the petitioner and co-accused Chandan Kumar Paswan were also raided. The mobile phone, bearing IMEI No. 86443354058456, 864433054058449 has been recovered from the possession of co-accused Chandan Kumar



Paswan. However the petitioner managed to escape from his home. One motorcycle was recovered from the house of the petitioner. The petitioner is having ten criminal antecedent of similar nature of offences.

- 6. Having considered the findings arrived at by the learned Sessions Judge, Darbhanga and the fact that the petitioner is having criminal antecedent of 10 similar nature of cases, I do not find any reason to differ with the findings arrived at by the learned Sessions Judge.
- 7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

Jyoti Kumari/-

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