

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83315 of 2024**

Arising Out of PS. Case No.-357 Year-2024 Thana- KOILWAR District- Bhojpur

Prakash Kumar @ Prakash Kumar Singh S/O Himalaya Singh @ Late  
Himalaya Singh Resident of Village-Khangaon, P.S- Chandi, Distt.- Bhojpur.  
.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

**Appearance :**

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| For the Petitioner/s     | : | Mr.Ravindra Kumar, Adv.<br>Ms. Devyani Shekar, Adv. |
| For the Opposite Party/s | : | Mr.Shailendra Kumar, APP                            |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      09-12-2024                      Heard Mr. Ravindra Kumar, learned counsel for the  
petitioner duly assisted by Ms. Devyani Shekhar, learned  
counsel and the State.

2. The petitioner is in judicial custody in connection  
with Koilwar P.S. Case No. 357 of 2024 for the offences  
punishable under Sections 304, 317(2)/3(5) of the BNS, lodged  
on 09.09.2024 by the informant, Khushi Kumari.

3. As per the prosecution story, the informant, a lady  
after completing her duty at a Private Hospital at Bihta was  
returning. As she alighted from the Auto-rickshaw, was on foot,  
a motorcycle came from behind and the allegation is that three  
accused persons sitting on it, in which the last person snatched  
the mobile. However, to the misfortune of the accused, the  
locals caught hold of the third person sitting on the motorcycle



and handed over the police. The said person is the petitioner.  
Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated in this case, has absolutely no role in snatching of the mobile.

5. Learned APP, however, has taken this Court to the FIR once again to show that the petitioner was caught on the spot having been brought down from a moving motorcycle by the locals. He was the person snatching the mobile of the poor lady.

6. Taking into account the aforesaid facts, in the opinion of the Court, for the present, no case is made out.

7. Accordingly, the bail application stands rejected.

**(Rajiv Roy, J)**

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