

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79705 of 2024

Arising Out of PS. Case No.-414 Year-2019 Thana- SHAHPUR PATORI District- Samastipur

PRAKASH KUMAR @ PRAKASH BHAGAT S/O PARAMHANS
BHAGAT RESIDENT OF VILLAGE GOVINDPUR, P.S - BIDDUPUR,
DISTRICT VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Shahpur Patori P.S. Case No. 414/2019 registered under Section 394 of the Indian Penal Code lodged on 23.10.2019 by the informant, Abhishek Kumar.

3. As per the prosecution story, the informant Abhishek Kumar who is an employee (cashier) of Midland Micro Finance Company, made a written complaint before the SHO Patori Police Station, Samastipur, alleging inter alia that on 23.10.2019 at about 3:00 PM when the informant was working in his branch office, two persons took out pistol from their waist and put on informant temples and asked about the cash and further, threatened to immediately hand over the cash



or face consequence. As the informant stated that they are with Branch Manager who is absent, he was assaulted on head by the ‘butt’ of pistol and for this act, the informant sustained injury.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement, nothing has been recovered from his conscious possession, though concede that he has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the occurrence took place in the year 2019, in the confessional statement he was named in the year 2022, despite having criminal antecedent and implicated in the present case, he chose his own year and only now, has come into judicial custody.

6. Considering the aforesaid facts as also that the petitioner delayed in coming to the Court for five years, has criminal antecedent, one is of the same nature, for the present, this Court is not inclined to extend him the privilege of bail.

7. The present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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