

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83328 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- NOORSARAI District- Nalanda

Vicky Kumar S/o- Rajesh Sao Vill- Kinari PS- Kalpa Dist-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandni Kumari, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-02-2025 Heard Mr. Mukesh Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Noorsarai P.S. Case No. 403 of 2024 for the offence punishable under sections 127(2) and 309(4) of the Bharatiya Nyaya Sanhita lodged on 07.09.2024 by the informant, Satyendra Kumar.

3. As per the prosecution story, the informant alleged that he is the owner and driver of the Truck bearing **BR-02-GA-5826** which was loaded with the goods of Hindustan Unilever Company moving from Hajipur to Lakhisarai. On 06.09.2024, when it reached near **Prasi Petrol Pump in the district of Nalanda**, a **Swift Dzire** overtook and claiming themselves to be the officers of Excise Department. Firstly, they wanted the informant to show the challan for the loaded goods and



thereafter, suddenly, he was forcefully pushed inside the car and taken to Bhagan Bigha, Mora Talab. Debi Sarai to Ekangarsarai and after moving towards **Jehanabad**, he was tied with a tree on the roadside while they escaped with the truck.

4. Thereafter, the informant untied himself and started moving in one direction. Upon sight of the patrolling Police vehicle of **Kokri Police Station** within the district of **Jehanabad**, he narrated his ordeal to them. The Police officials of Kokri P.S. thereafter directed him to approach the Noorsarai Police Station where the alleged occurrence has taken place. Later, he took the Bus to Biharsharif and telephonically reported the matter to the transport company from where the goods were loaded and on their advice, lodged the FIR at the Noorsarai P.S. Nalanda.

5. Learned counsel for the petitioner submits that the recovery is from the house of Manish Kumar. He confessed before the police the name of the petitioner which led to his arrest and thereafter he was also forced to confess that besides purchasing the looted items, sometimes he also participate in the criminal act with his friends. He further submits that this confession before the police has no meaning as there is no recovery from his house or shop and further, main allegation is



against manish Kumar from where the recovery took place.

6. Learned APP, on the other hand, opposes the prayer submitting that it is a case where the entire truck of the Hindustan Unilever Company was taken away by the accused persons after tying the driver to a tree and recovery is from Manish Kumar who has named this petitioner who also confessed to the crime. The further submission of learned APP is that Manish Kumar and Santosh Kumar have been denied bail in Cr. Misc. No. 84216 of 2024 and Cr. Misc. No. 84019 of 2024 respectively.

7. Considering the facts of the case as also that due to dereliction of duty, earlier, all the police officials were summoned by this Court, in the case of Manish Kumar (supra) and had recorded that the police wasted crucial hours after the informant approached them, directed them to be agile in future. In that background, this Court does not deem it fit and proper to release the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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