

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84216 of 2024

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

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Manish Kumar @ Amit Kumar S/o Sri Sunil Kumar Resident of Village-
Kharauna, P.S.- Bhagwanganj, District- Patna. Presently Residing at Vill -
Makhdumpur, Utta, PS. - Jehanabad, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-01-2025 Heard Mr. Udbhav, learned counsel for the petitioner
and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with
Noorsarai P.S. Case No. 403 of 2024 for the offence punishable
6 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 subsequent recovery of the goods of Hindustan Unilever Company from the house actually belongs to his younger brother which was leased out to one Manoj Kumar (Annexure-2 to the petition) and as such, he has falsely been made an



accused in the case leading to his arrest. He further submits that though there is recovery from his house, no TI parade of the seized articles have been conducted to ascertain whether it is a looted good or not.

6. Learned APP representing the State opposes the prayer for bail and submits that recovery/seizure has been made from the house of the petitioner and even if the alibi without any proof of the petitioner is behoved, he cannot exonerate himself from the alleged recovery. Further, there is no receipt of the cartons of Hindustan Unilever Company that has been recovered from his house to show his bona fide.

7. This Court on 11.12.2024, had taken note of the fact that immediately after the informant untied himself, saw a patrolling police vehicle of Kokri Police Station (Jehanabad), narrated the ordeal but was asked by the police officials to approach the Noorsarai Police Station where the occurrence took place. Thus, crucial time was lost, as in the morning, he went to Biharsharif and then upon the information of the transport company, again went to the Noorsarai Police Station, Nalanda, lodged the FIR. In that background, an order was passed directing the S.P., Jehanabad to conduct an inquiry why immediate action was not taken by the police upon information



of the looting of the truck.

8. Pursuant thereto, a counter affidavit has come on behalf of the S.P. Jehanabad and those who were part of the patrolling party are present in the Court. In addition, Mr. Om Prakash, Dy. S.P. (Probationer) who was at that time manning the concerned Police Station is also present. As per the S.P., Jehanabad, upon inquiry, it came to knowledge that informant insisted on lodging the FIR in Noorsarai Police Station.

9. This Court is afraid. The Police through the informant got information that a truck has been looted. The duty of the Police was to immediately alert all the Police force in and around the district as also the neighboring districts. Further, the said statement does not match with the statement of the informant that he was asked by the Police officials to go to Noorsarai Police Station where the occurrence took place. Again, the Police has to act as per the law and not on the dictate of the informant. Certainly, the conclusion arrived at by the S.P., Jehanabad cannot be accepted.

10. The P.S.I., Mr. Dev Narayan Prasad who was heading the team has been show-caused by the S.P., Jehanabad and appropriate steps are being taken against him. However, the other police officials who were part of the patrolling party



cannot be ignored in the background of the facts stated above. It was a big failure on the part of the Jehanabad Police to act swiftly in the matter in time.

11. However, since all the Police officials have presented themselves and have realized that it was a mistake and further submits apology for their inaction on the information of the informant, this Court rests the case here. They are however cautioned to be dutiful towards the common man who suffer while on the road. The sight of the police definitely gives a citizen strength and they narrate their ordeal. If the police acts swiftly unlike in this case and take appropriate steps in time, crucial hours can be saved.

12. So far as the case is concerned, as per the case diary, upon raid, cartons of the looted Hindustan Unilever company were recovered from the house of the petitioner which cannot be ignored.

13. Learned counsel for the petitioner reiterates that he reside at Jehanabad, the house under partition has been allotted to his brother, Nitish Kumar and the same was leased out to one Manoj Kumar who is holding the building. However, upon query, whether any petition on such facts were even forwarded to the S.P., Nalanda so that appropriate steps are



taken, the answer is in negative.

14. It is upto the petitioner to take appropriate steps if according to him, the building belongs to his brother who has leased it out to Manoj Kumar and prefer an appropriate petition accordingly.

15. For the present, this Court has taken note of the fact that upon raid, cartons of Hindustan Unilever materials that were looted from the truck was/were recovered from his house. In that background, no relief can be granted to him. The bail petition stands rejected.

16. The personal appearance of Mr. Om Prakash, Dy. S.P. (Probationer), Mr. Niraj Kumar (Sub Inspector), Mr. Dev Narayan Prasad (Police Station Incharge), Mr. Anjur Kumar Singh (Driver Havaladar), Mr. Anil Kumar and Mr. Vikash Kumar (Home Guards) stand dispensed with.

17. Once again, they are cautioned to be careful in future and serve the society diligently.

(Rajiv Roy, J)

Vijay Singh/-

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