

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88731 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Deepak Kumar S/o- Rajesh Singh Village- Semra Nizamat Ps- Sahebganj
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit
For the Opposite Party/s : Ms.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 21-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Kathaiya Police Station Case No. 134 of 2024, registered for the offence punishable under Sections 308(5)/317(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 25/35 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 07.07.2024, in the morning, while the informant was going on his Baleno car, two persons asked him to stop and when the informant stopped the car, they entered into the car and asked him, on the gun point, to keep on driving. After some time, a swift Dezire car, having Reg. No. BR01HK 2655, arrived there and the informant was



forcibly taken out of the Baleno car and shifted him in the Swift Dezire car and two persons sat on the Baleno car and fled away with the car. Two persons sitting in the Swift Dezire car put a cloth around the eyes of the informant and snatched Rs. 1,60,000/- from the informant. Thereafter, they pointed pistol on the head of the informant and asked the informant to arrange additional Rs. 1 laks from his family members. The informant called his uncle and brother and requested them to bring Rs. 1 lakh near Motipur Kali Temple, as instructed by the persons sitting in the Swift Dezire car. The informant's uncle and brother arrived there and kept Rs. 1 lac in the Swift Dezire car and when the informant asked about his car, they told him to come along with them to take back his car and started fleeing away. The informant somehow pulled the hand break of the car and started shouting. Both the persons sitting in the Swift Dezire car got down from the car and tried to flee away but one of them was caught while the other succeeded in fleeing away dropping the magazine, pistol and mobile. The local people gathered there and police was informed. The apprehended person disclosed his name as Deepak



Kumar (the petitioner) and also disclosed the names of his associates as co-accused Bipindar Kumar, Akash Kumar and Kamal Kishore.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and he has been implicated in this case due to ulterior motive. He further submits that the petitioner is in custody since 08.07.2024, and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner is a habitual offender inasmuch as five criminal cases are pending against him, out of which three are of similar nature of offence and two are of Arms Act. He further submits that a sum of Rs. 1,00,000/-, which was looted from the informant, was recovered from the conscious possession of the petitioner.
6. Regards being had to the submissions made by the parties and taking into consideration the nature of allegation, criminal antecedents of the petitioner and the fact that looted money was recovered from the possession of the



petitioner, I am not inclined to grant regular bail to the petitioner.

- 7. This application is, accordingly, dismissed.
- 8. However, the petitioner may renew his prayer for regular bail after six months from today, if the trial does not show any substantial progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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