IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86827 of 2024

Arising Out of PS. Case No.-358 Year-2020 Thana- JAHANABAD District- Jehanabad

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Kumar Vikrant Mohan @ Chiku S/o Basant Kumar Mohan R/o Mohalla- Lok Nagar, P.O. and P.s and Distt.- Jehanabad (Bihar)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-02-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Jehanabad P.S. Case No. 358 of 2020, for the offence punishable under Section 398 of the Indian Penal Code and section 27 of the Arms Act lodged on 02.07.2020.

3. As per the prosecution story, the informant alleged that after closing his Jewellery shop ("Anant Alankar Jewellers") he was returning in his vehicle and reached near Professor Colony when the accused intercepted, one of them open fired and tried to snatched the bag. He resisted and did not allow them to take away the bag and in the meantime the police arrived, opening fire, the accused escaped. However, the police managed to caught hold of Rakesh Kumar @ Pintu @ Fauji Kumar.

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4. Learned counsel for the petitioner submits that his name has come in the confessional statement of Rakesh Kumar @ Pintu @ Fauji Kumar and only because of criminal antecedent, the police implicated the petitioner. Further Suraj Kumar has been granted regular bail by this Court vide order dated 05.05.2022 passed in Cr. Miscellaneous No. 59933 of 2021.

5. Learned APP Mr. on the other hand opposes the prayer and submits that a perusal of the F.I.R. would show that it way back to the year 2020. Further, so far as bail granted to the Suraj is concerned, that relates to year 2022 and the said accused Suraj Kumar was in judicial custody since the year 2021 itself. So far as this petitioner is concerned, his name cropped up in the year 2021, evaded arrest for four years and only thereafter police managed to arrest him recently. Considering the allegation that has come, he does not deserve bail.

6. Having gone through the facts and circumstances and submissions of the parties, this Court cannot lose sight of the fact that not only the petitioner has criminal antecedent but he also evaded arrest for four long years and it was only after the police took him to custody and he is jail since 03.10.2024.

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7. In that background, for the present, this Court is not inclined to extend the privilege of bail, which is accordingly, rejected.

(Rajiv Roy, J)

Ranjeet/-

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