

# Lotha Dom @ Lothwa Dom & Anr vs State Of Bihar on 18 February, 2010

**Author: Rakesh Kumar**

**Bench: Rakesh Kumar**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Cr.Misc. No.3297 of 2010

1. LOTHWA DOM @ LOTHWA DOM SON OF RAM PRAVESH DOM  
RESIDENT OF NALA ROAD, AMBEDKAR NAGAR, P.S.  
KADAMKUAN, DISTRICT- PATNA.
2. MANTU DOM @ MANTU RAM S/O ANAND RAM @ NANDU  
DOM, RESIDENT OF NALANDA MEDICAL COLLEGE,  
COLLEGE CAMPUS, P.S. AGAMKUAN, DISTRICT  
PATNA.

Versus  
STATE OF BIHAR  
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2. 18.2.2010

. Heard Mr. Jay Kumar, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, learned A.P.P. for the State.

The petitioners, who are in custody in connection with Alamganj P.S. Case No.59 of 2009 for the offence under Section 392 of the Indian Penal Code, have prayed for grant of bail.

In the present case, there is  
allegation that petitioners intercepted the

informant while he was moving on his Bajaj Chetak Scooter along with one another. The informant was intercepted and he was looted Rs.42,000/- cash and also his Bajaj Chetak Scooter. However, subsequently, the Scooter was recovered.

The learned counsel for the  
petitioners, while pressing his bail

application, has submitted that the learned Sessions Judge while rejecting his prayer for bail had committed error on record by way of recording that on his confession the Scooter in question was recovered. The learned counsel for the petitioners has further submitted that despite notice given to the informant, he did not participate in Test Identification Parade and on the aforesaid ground the learned counsel for the petitioners has prayed for grant of bail.

Learned counsel for the State has submitted that the petitioners are not accused only in present case of this nature, but he is accused in other cases also. Learned counsel for the petitioners does not dispute the submission of the learned counsel for the State. Learned counsel for the petitioners submits that in another case, he has already been granted bail.

However, keeping in view the fact and circumstances of the present case particularly regarding road robbery in the locality of Patna City and Agamkuan, I am not inclined to grant bail. Prayer for bail is rejected. Since the petitioner is in custody, it is observed that steps may be taken for early commencement of the trial and its conclusion.

( Rakesh Kumar,J.) N.H./