

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29138 of 2015

Arising Out of PS.Case No. -232 Year- 2014 Thana -RAJAULI District- NAWADA

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1. Jitendra Kanjar S/o Raj Kumar Kangar
2. Sukhpal Kanjar S/o Fajmal Kangar Both are Resident of Village Bherva Khedi, Police Station Town Khurd, District Dewas (Madhya Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Md. Aslam Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-10-2015

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

The petitioners seek bail in connection with Rajauli P.S. Case No. 232 of 2014 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

Allegedly some unknown miscreants looted away 500 cartons of Gold Flake Cigarette worth Rs. One Crore and Eighty Six Lac of I.T.C., Munger which was being carried in Truck (container) by using Enova Car and Truck. Further the miscreants assaulted the informant brutally resulting he could not see the number of both the vehicles. During investigation, the petitioners were caught with truck loaded with 150 cartons of looted cigarettes by Kaitha Police, Distt. Ujjain and the petitioners also confessed their guilt and further location of their mobiles were also found in Bihar near the place of occurrence.

Submission is of false implication and that from the property seizure memo which is attached with the case diary, the number of the recovered cigarette do not tally with the number of looted articles and further the petitioners are poor driver and khalasi suffering in custody without any fault and, as such, they deserve sympathetic consideration to which learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that most of the numbers tally with the looted articles and their mobile locations were also found near the place of occurrence which corroborates their confessional statement also. In this connection Para 86 and 87 have been referred.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners serious in nature and, as such, this Court is not inclined to enlarge the petitioners on bail and accordingly, such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within six months after taking the same on day to day basis, failing which, the petitioners may be at liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J)

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