

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36751 of 2015

Arising out of PS.Case No. -535 Year- 2014 Thana -MASAURHI District- PATNA

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Rahul Kumar, Son of Baldeo Prasad, resident of Mehendiganj, Braham
Asthan, P.S. Mehendiganj, District – Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Kumar Sharma, Advocate.

For the Opposite Party : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 27.12.2014
in connection with Masaudhi P.S. Case No. 535 of 2014 for the
offences instituted under Sections 392 and 412 of the IPC.

The prosecution story, in brief, is that the informant
named Rahul Kumar and eight others, alleged that he was carrying
iron bar to Mahinam Darbhanga at about 3 A.M. The dacoits came
and looted the vehicle but the vehicle was traced through GPS
System. Rahul Kumar was apprehended and the informant
identified Rahul Kumar. From his possession, truck and iron rod
were recovered. Immediately thereafter, the co-accused Amarjeet
Kumar was also arrested and from his possession, Samsung

Mobile and iron bars from the field of Ashok Kumar and Devendra Rai were recovered at the disclosure made by the Amarjeet Kumar.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.12.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Other co-accused have been granted bail by this Hon'ble Court.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and other co-accused who have been granted bail were not named in the F.I.R. and the petitioner was apprehended just after the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Masaudhi P.S. Case No. 535/2014, pending in the court of the learned S.D.J.M., Masaudhi, Patna. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of six months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)