

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1067 of 2016

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

=====

Amarjeet Kumar @ Ajit Kumar, S/o Shyam Nandan Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Ataur Rahman(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-02-2016 The matter has been listed before this Court in view of the administrative order of Hon'ble the Acting Chief Justice dated 24.02.2016 since the Bench which earlier rejected the bail application is not available due to medical exigency.

The petitioner has renewed his prayer for bail in view of the liberty granted in Criminal Miscellaneous No.8835/2015 by a co-ordinate Bench of this Court whereby the co-ordinate Bench of this Court while rejecting the prayer for bail of the petitioner directed the trial court to expedite the trial and conclude the same within eight months. In case of non-conclusion of trial within a period of eight months, the petitioner was

granted liberty to renew the prayer for bail. Hence, the present application.

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 29.12.2014 in a case registered for the offences punishable under sections 395/412 of the Indian Penal Code.

Prosecution case is that the informant and eight others were carrying iron bars through truck to Mahnam Darbhanga but the vehicle was robbed. Subsequently, the truck was traced through GPS system leading to arrest of one Rahul Kumar. The informant identified Rahul Kumar and from his possession truck and some robbed iron bars were recovered. Immediately, thereafter, on 27.12.2014, the petitioner was also arrested and on his confession from his possession, a Samsung mobile and robbed iron bars, kept in the field of Ashok Kumar and Devendra Rai, were recovered.

It is submitted by learned counsel for the petitioner that only mobile was seized from the possession of the petitioner when the iron bars were recovered from the field of two different persons namely Ashok Kumar and Devendra Rai and the police maliciously roped the petitioner by saying that the recovery was



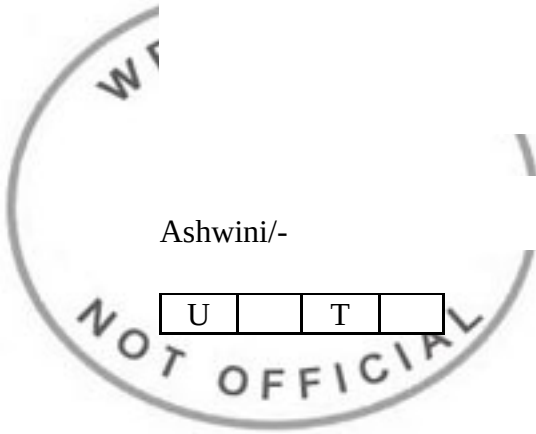
made in pursuance to the confession of the petitioner. Signature of the petitioner was also obtained on the seizure list forcibly. The seized iron bars were not put on Test Identification Parade and the seized mobile is belonging to the petitioner for which petitioner has already made a claim. The petitioner has no criminal antecedent prior to lodging of the present case but subsequently, the petitioner made accused in Didarganj P.S. Case No.222/2014 wherein he is on bail.

A supplementary affidavit has been filed making statement therein at paragraph 2 to the effect that the case is not committed to the court of seisin. Paragraph 2 of the said affidavit reads as follows :-

"2. That the case is not committed to the court of Sessions and still pending before S.D.J.M. Masaurhi at Patna for the same.

In view of the liberty given by a co-ordinate Bench of this Court in Criminal Miscellaneous No.8835/2015 coupled with the fact that the case is still not committed to the Court of Seisin and hence there is no likelihood of trial being concluded in near future, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned

SDJM, Masaurhi, Patna in connection with Masaurhi P.S. Case
No.535/2014.



(Dinesh Kumar Singh, J)