

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28233 of 2017

Arising Out of PS.Case No. -688 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Mukesh Kumar @ Pagaliya @ Mukesh Goswami @ Mukesh Giri @ Mukesh son of Surendra Goswami, resident of Village-Kamtaul Chack, Khudawara, Police Station Kurhani, District- Muzaffarpur At present Mohalla Shahpur Police Station Ram Krishana Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through Postal Department. null A/p Sanjay Nagar, Road No. 3, Patna 1.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate
For the Union of India : Mr. Ram Anurag Singh (CGC)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-07-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing inn jail since 20.12.2016 registered for offences punishable under Sections 461 and 379 of the Indian Penal Code.

The prosecution case as lodged by the Deputy Post Master is that the lock of post office was broken and there was theft of Rs. 5, 85,738/-, Postal Stamps and Registry slips by some unknown persons on the night of 19.11.2016.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and he is innocent. He



submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that Rs. 118000/- was recovered from the conscious possession of the petitioner and he has accepted his guilt in his confessional statement and that the petitioner does not have a clean antecedent and as many as six cases are pending against him for similar offence, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Kankarbagh P. S. Case No. 688 of 2016 pending in the Court of Smt. Madhavi Singh, learned Judicial Magistrate, 1st class, Patna.

The prayer for bail application is accordingly, rejected.

The petitioner may renew his prayer for bail after six months if trial is not concluded within the same period.

(Nilu Agrawal, J)

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