

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49784 of 2018

Arising Out of PS.Case No. -82 Year- 2018 Thana -KAHAIYA District- MUZAFFARPUR

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1. Om Prakash @ Om Prakash Jha, Son of Pawan Kumar Jha, Resident of Village- Kalwari, P.S. Kanti, Dist.- Muzaffarpur, at present village Madhuban, P.S.- Kolhua, Dist.- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umeshnand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-11-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Kathaiya P.S. Case No. 82 of 2018 instituted for the offence under Sections 413, 414, 412, 120(B)/34 of the Indian Penal Code, Sections 25(1-B)A, 26 and 35 of the Arms Act.

In the original bail petition it is mentioned that petitioner has clean antecedent.

Supplementary affidavit has been filed on behalf of the petitioner stating therein that one Criminal case is pending against the petitioner. Let it be kept on the record.

In the written report it is alleged that police got secret information that one Garlic loaded truck was brought near the Panchayat Bhawan of Sirsiya village which was being unloaded



by Abhishek Kumar, Sidhant Tiwari, Chhotu Kumar Singh, Satish Kumar and Dinesh Kumar. The villagers got suspicious that the Garlic loaded truck is looted truck and informed the police. The Driver on seeing the police party started moving towards Hardi Bazar. The informant along with other police personnel proceeded towards Hardi Bazar and as soon as reached near Rampur Bheriya Bridge, the truck driver and another person seated in the cabin, wanted to run away. The police apprehended both of them. The Driver disclosed his name as Om Prakash @ Om Prakash Jha (petitioner) and other person who was seated, disclosed his name as Deep Ranjan @ Radhe Shayam. It is further alleged in the written report that one pistol has been recovered from pocket of Deep Ranjan Kumar @ Radhe Shayam and Mobile phone has been recovered from possession of the petitioner. Deep Ranjan Kumar @ Radhey Shayam did not produce any valid paper with regard to country made pistol which is alleged to have been recovered from his possession. The apprehended persons disclosed that on 16/17.4.2018 at about 1:00 a.m. the aforesaid truck has been looted with Garlic by the accused persons and has been brought to the place where the garlic was to be unloaded.

In view of nature of allegation, this Court is not



inclined to grant bail to the petitioner.

Prayer for bail of the petitioner stands rejected.

The Trial Court is directed to expedite the trial and make efforts to dispose of the same as early as possible preferably within a period of six months from the date of copy of receipt of this order.

Petitioner may renew the prayer for bail after six months in the event trial is not concluded within aforesaid period

(Sanjay Priya, J)

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