

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45213 of 2018

Arising Out of PS.Case No. -95 Year- 2018 Thana -RAMKRISHNANAGAR District- PATNA

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1. Chandan Kumar son of Rameshwar Mahto, resident of Mohalla-
Khemnichak, P.S. Ram Krishna Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

03 21-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 395 of the Indian Penal Code, Section 25 (1-b)a/26/35 of the Arms Act and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Five tempo borne criminals are said to have plundered Rs.10503/-, Aadhar Card, key, mobile etc. of the informant and fled away and entered into a room from where all the accused persons including the petitioner were apprehended and from the possession of the petitioner cash of Rs.1000/- and looted mobile were seized, while 1.200 liters of country made liquor was recovered from the said room and fire arms, ammunitions and cash were recovered from the rest of the accused persons.

It is submitted by learned counsel for the petitioner that no



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incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the aforesaid occurrence. The mobile seized from the possession of the petitioner is hailing to him. He happens to be tempo owner and has been falsely implicated in this case due to dirty village politics. He has been languishing in custody since 16.03.2018.

Learned A.P.P. for the State, vehemently opposing the prayer for bail, has submitted that besides the cash looted mobile has been recovered from the possession of the petitioner, hence he does not deserve bail.

In the facts and circumstances of the case, as the looted mobile has been recovered from the possession of the petitioner, hence the prayer for bail of the petitioner is hereby rejected. However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of commitment of the case. The Superintendent of Police concerned is directed to produce the witnesses on each and every date fixed in the case by the Court without fail. The petitioner may renew his prayer for bail if the trial is not concluded within the stipulated period.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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