

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52581 of 2018

Arising Out of PS. Case No.-107 Year-2018 Thana- BIHPUR District- Bhagalpur

=====

Krishna Yadav Son of Dipak Yadav Resident of Village- Biratnagar Khargiri,
Kohwara, P.S. Biratnagar, District- Marad Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Smt. Pronati Singh

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bihpur P.S. Case No. 107 of 2018 registered under Sections 406,

420, 379, 411/34 of the Indian Penal Code.

Petitioner is said to have taken the tank lorry of

the informant to ply the same taking him in his confidence and

fled away with the said lorry containing 20,000 lts. diesel. Later

on he was apprehended with the aforesaid tank lorry and Rs.

10,88,000/- sale proceed of diesel which he had sold out to

accused Birendra Singh @ Birendra Mandal.

It is submitted by learned counsel for the

petitioner that no such occurrence as alleged ever took place.



He has been falsely implicated in this case. Though, huge amount of diesel was being transported by the said tank lorry, but there was no cleaner on the said tank lorry and moreover the seizure list witnesses have not stated about the recovery of money from the possession of the petitioner. He has been languishing in custody since 16.03.2018. Hence, he deserves bail.

From perusal of record and the case diary, it appears that the informant in his further statement has supported the occurrence and seizure list witnesses have also divulged the factum of recovery of aforesaid sale proceeds of diesel along with tank lorry from the possession of the petitioner.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within a period of six months after commitment of the case and S.P. Bhagalpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Bhagalpur by fax for needful.



Petitioner is at liberty to renew his prayer of bail, if
the trial is not concluded within the stipulated period.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

