

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49336 of 2019

Arising Out of PS. Case No.-159 Year-2018 Thana- BARAUNI RAIL P.S. District- Begusarai

DILIP SINGH Son of late Ram Naresh Singh Resident of Village - Maripur
Khurd, P.S.- Manjhi, Distt - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-11-2019

Heard both sides.

The petitioner seeks bail in Barauni Rail P.S. case No. 159/2018 registered under Section 379 of the IPC.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. Nothing has been recovered from the conscious possession of the petitioner. The name of petitioner figured in the case in the confessional statement of co-accused, Manoj Sah, who was arrested in connection with Hajipur Rail P.S. case No. 146/2018. The petitioner is in custody since 13.03.2019.

The learned A.P.P. opposed the prayer for bail and submitted that during the course of investigation it has come that petitioner withdrew Rs. 25,000/- from the stolen ATM belonging to the informant. The petitioner also purchased a Vivo mobile in the name of Sanjeev Kumar Diggi from C.T. Mobile Shop, Hajipur using stolen ATM of the informant. The petitioner was identified by the informant from the CCTV footage taken from C.T. Mobile Shop and on such stolen Vivo mobile was recovered from the house of the petitioner. The petitioner has



got criminal antecedent and he is accused in as many as nine cases of similar nature.

It appears from the records that, of course, the petitioner is not named in the FIR but during the course of investigation one Manoj Sah confessed his guilt disclosing the name of the petitioner as one of his accomplices. It transpired that petitioner withdrew Rs. 25,000/- using the stolen ATM of the informant. The petitioner also purchased a Vivo mobile using the stolen ATM and it transpired from the CCTV footage of the C.T. Mobile Shop, Hajipur that it was the petitioner who purchased the Vivo mobile. The petitioner appears to be habitual and he has got nine cases of similar nature pending against him.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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