

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6043 of 2020**

Arising Out of PS. Case No.-342 Year-2019 Thana- BIHTA District- Patna

UJJWAL KUMAR @ UJJWAL @ AWANISH KUMAR S/o Madan Mohan
Sharma Resident of Village- Bhelura Rampur, P.S.- Janipur, Distt- Patna.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

This is an application for grant of regular bail to the
petitioner in connection with Bihta P.S. Case No. 342 of 2019
registered for the offence punishable under Sections 385, 387, 307,
120B of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the first information report six persons riding on three motorcycles
came to the shop of the informant and out of them two persons
who were wearing helmet started indiscriminate firing on the shop.
The staffs and son of the informant luckily escaped the firing. The
persons on the three motorcycles fled away. It has also been



alleged that the neighbouring shops of Baba Sweet and Salt owner got a whatsapp message and a call and the caller identified himself as Ujjawal (the petitioner) and claimed to be a person attached to one Muchkund, he demanded money and on not paying the same the caller threatened the owner of the shop that he would be killed.

Learned counsel submits that so far as this case is concerned, the petitioner has not been identified by the informant, moreover the petitioner is in custody since 14.5.2019 and having remained in custody for over one year in connection with this case wherein there is no other material against him, the petitioner deserves privilege of regular bail.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is pointed out from the case diary that on the arrest of this petitioner, he made confessional statement before Police and on his disclosure and identification of the place that is a mango orchard in a village a country made pistol has been recovered.

Learned APP has submitted that the petitioner is a habitual offender as many as 10 cases are there on his head and all are of serious nature. It is submitted that the petitioner being habitual offender does not deserve privilege of regular bail.

Having heard learned counsel for the petitioner and learned APP for the State as also on going through the materials



available on records, this Court has noticed that as per allegation this petitioner has been making whatsapp call and audio messages were being sent by him demanding money and threatening the traders of dire consequences, at his instance recovery of country made pistol has been made, as many as ten cases are there on his head, the cases are under sections 302 IPC, 392 IPC and several cases are there under the provisions of the Arms Act. In view of these materials on record only because the petitioner has remained in custody for one year in connection with this case, I am not impressed so as to grant privilege of regular bail to the petitioner at this stage.

This application is dismissed.

Let the trial be expedited. In case, the trial is not concluded within a period of nine months, the petitioner may renew his prayer for regular bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

