

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21439 of 2020

Arising Out of PS. Case No.-1300 Year-2017 Thana- SAHARSA District- Saharsa

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MOHAN SHARMA Son of Yogendra Sharma Resident of Village - Ward
no.31, Jahpra- Tola, P.S.- Saharsa Sadar, Distt.- Shaharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Saharsa Sadar P.S. case No. 1300/2017 registered u/s 392 of the IPC.

The informant lodged the case against unknown for robbing the informant, his motorcycle, mobile and other articles.

The learned counsel for the petitioner submits that petitioner is innocent and he has in fact committed no offence. The petitioner is in custody since 31.08.2018. One looted mobile is said to have been recovered from the house of the petitioner. The petitioner has got criminal antecedent but due to mistake he mentioned about one criminal case pending against him in the petition but the petitioner filed supplementary affidavit stating the facts that petitioner has got four criminal cases pending against him. It is submitted that for recovery of a mobile the petitioner has remained in jail for two years. The petitioner has not been put in T.I. parade.



The learned APP, however, opposed the prayer for bail.

From perusal of the case diary, it appears that on the basis of IMEI No. of mobile of the informant it was traced that petitioner was using the SIM of the robbed mobile in his own mobile. The KYC of the mobile of the petitioner was also traced and it was found that the same was issued in the name of the petitioner.

Since looted SIM was recovered from the house of the petitioner and the petitioner has got criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected.

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

If the trial is not concluded within four months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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