

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27277 of 2020**

Arising Out of PS. Case No.-12 Year-2019 Thana- PIRO District- Bhojpur

=====

BRAJESH KUMAR @ FUNNU KUMAR S/o Baleshwar Singh Resident of
Village-Rajmaldih, P.S-Sikrhta, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-12-2020 Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Piro P.S. Case No. 12 of 2019 registered for
the offence under Section 395, 412 and 120(B) of the Indian
Penal Code, pending in the court of learned A.C.J.M. - 1,
Bhojpur at Ara.

Learned counsel for the petitioner submits that as per
the First Information Report the Pick-Up Van was going loaded
with Fish and as soon as the Van reached near the bridge of of
Deochanda one Bolero crossed the vehicle and took over it and
at some distance the Van was stopped and looted. The cash and
mobiles were also looted. Learned counsel submits that the
name of the petitioner has transpired in the confessional



statement of the co-accused Rahul and Chotte but save and except the confessional statement nothing has been recovered from the possession of the petitioner. He is in jail since 18.02.2020.

Learned counsel for the petitioner has informed this Court that he has filed a supplementary affidavit stating that the petitioner has got eight criminal antecedents including the present case.

On the other hand, Ms. Anita Kumari Singh, learned A.P.P. for the State has submitted that it is not only the confessional statement, in fact the said confessional statement of co-accused Rahul has led to recovery of the Pick-Up Van and Fish, therefore the recovery coupled with the fact that he has named this petitioner as one of his associates who has indulged in the crime would be a relevant factor to be considered. It is also pointed out that this petitioner has got seven antecedents and apart from this case all other cases are either under Section 392 I.P.C. or under Section 302 I.P.C., therefore the seriousness of the offence has to be seen coupled with the criminal antecedent of the petitioner and his release at this stage would only be an impediment in conclusion of trial.

Having regard to the facts and circumstances of the



case, this Court having noticed that the petitioner has got criminal antecedents and further in this case not only confessional statement of the co-accused discloses the name of the petitioner, rather the said confessional statement has led to recovery of the looted Van and the loaded fish, in the nature of the material and the criminal antecedent, this court is not inclined to grant privilege of regular bail to the petitioner.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

The trial court is expected to conclude the trial within nine months from today. The prosecution should cooperate in early conclusion of trial. In case, the trial is not concluded within nine months from today, for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

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'.

