

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71473 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- JHANJHARPUR District- Madhubani

Md. Izaraya @ Ajo, aged about 35 years, Male, Son of Late Birkha Mian,
Resident of Village- Majhani, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ratanakar Jha, learned counsel for the petitioner and Ms. Meena Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner seeks bail in connection with Jhanjharpur P.S. Case No.01 of 2018 dated 01.01.2018 instituted under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner is that he, along with some others, had taken away the motorcycle and mobile phone of the informant.

5. Learned counsel for the petitioner submitted that he is not named in the FIR and has been made accused only on the



basis of confessional statement of co-accused Ram Sewak Yadav. It was submitted that there has been no recovery from the petitioner. It was further submitted that petitioner has been made accused in twenty-two other cases, but in eight he has been acquitted and in six cases he is on bail. It was submitted that he is in custody, in the present case, since 24.01.2019. It was submitted that co-accused, Ram Sewak Yadav, who has made the confessional statement, has been released on bail by order dated 20.09.2018 in Cr. Misc. No. 55741 of 2018.

6. Learned APP, from the case diary, submitted that the petitioner is a veteran criminal and is involved in many cases. It was further submitted that as per the confessional statement the petitioner is the leader of the gang. She submitted that co-accused Ali Jaan @ Lamboo was killed in a police encounter. It was submitted that the petitioner is a veteran criminal. It was further submitted that the case of Ram Sewak Yadav stands on a different footing, inasmuch as, he is neither the leader of the gang nor has been implicated in twenty-two cases and against him, there is antecedent of only nine other cases. It was further submitted that despite the case having been registered on 01.01.2018, the petitioner is in custody since 24.01.2019 i.e., after over one year, which clearly indicates that



he was evading the process of law, whereas Ram Sewak Yadav was in custody soon after the incident, on 21.02.2018.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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