

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40 of 2020

Arising Out of PS. Case No.-167 Year-2017 Thana- SULTANGANJ District- Patna

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ALOK KUMAR Son of Late Prem Sao Resident of Ambedker Chouck
Chitkohra Bajar, Punjabi Colony, P.S. - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Sultanganj P.S. Case No. 167 of 2017, disclosing offences
punishable under Sections 307, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act. Subsequently, Section
302 of the Indian Penal Code was added.

From the contents of the application seeking regular
bail, it transpires that the petitioner is accused in at least 12
cases of serious nature having following descriptions:-

*(i) Alamganj P.S. Case No. 181 of 2016
registered for the offence under Sections 399, 402, 414
of the Indian Penal Code, Sections 25(1-b)a, 26 and
35 of the Arms Act.*



(ii) Alamganj P.S. Case No.200/2016 registered for the offences under Sections 356 and 379 of the Indian Penal Code.

(iii) Alamganj P.S. Case No.372/2016 registered for the offence under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act.

(iv) Alamganj P.S. Case No.301/2017 registered for the offences under Sections 356 and 379 of the Indian Penal Code.

(v) Kadamkuan P.S. Case No. 394/2016 registered for the offence under Sections 399, 402 of the Indian Penal Code, 25(1-b)a, 26, 35 of Arms Act and Section 53 of Excise Act.

(vi) Kankarbagh P.S. Case No. 420/2016 registered for the offences under Sections 356 and 379 of the Indian Penal Code.

(vii) Beur P.S. Case No. 122/2013 registered for the offence under Sections 399, 402 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Section 3/4 of Explosive Substances Act.

(viii) Sultanganj P.S. Case No. 13/2015 registered for the offence under Section 385/34 of the Indian Penal Code and Section 27 of the Arms Act.

(ix) Sultanganj P.S. Case No. 215/2011 registered for the offence under Sections 395 and 397 of the Indian Penal Code.

(x) Sultanganj P.S. Case No. 116/2012 registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

(xi) Alamganj P.S. Case No. 224/2017 registered for the offence under Sections 20, 22 of N.D.P.S. Act,



Sections 25(1-b)a, 26 and 35 of the Arms Act.

*(xii) Sultanganj P.S. Case No. 223/2017
registered for the offence under Section 387 of the
Indian Penal Code.*

The petitioner was remanded in the present case on 12.02.2018.

Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner has submitted that the informant is not an eye witness to the occurrence and since the petitioner has remained in custody for more than two years and there is no likelihood of conclusion of trial in near future, he should be allowed privilege of regular bail. He has further submitted that similarly circumstanced co-accused Ravi Chaudhary @ Ravi Shankar has been allowed regular bail by this Court by an order dated 16.10.2019 passed in Cr. Misc. 43324 of 2019.

Learned Additional Public Prosecutor appearing on behalf of the State opposing the prayer for bail has, on the other hand, referred to the material collected in course of the investigation as available in the case diary to contend that one of the co-accused, in culpatory statement has specifically disclosed participation of this petitioner in commission of the offence alleged.



Considering the gravity of the offence and the petitioner's criminal history as disclosed in paragraph-3 of the application, I am not inclined to allow the petitioner privilege of regular bail for the present.

This application is, accordingly, dismissed.

It is however, observed that the court below shall make endeavour to expedite conclusion of trial.

(Chakradhari Sharan Singh, J)

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