

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13616 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- RAJAOLI District- Nawada

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Gautam Kumar, S/O Kailash Yadav, Resident of Village Gobardaha, P.S
Fatehpur, District Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

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

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

4 09-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Meena Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Rajauli P.S. Case No. 404 of 2020 registered

for the offence punishable under Section 395, 412 of the Indian

Penal Code. He is in custody since 27.08.2020.

Learned counsel for the petitioner submits that the

petitioner has been falsely implicated in this case. No Test

Identification Parade has been conducted and there is no

recovery from his possession.

On the other hand, Ms. Meena Singh, learned A.P.P. for the State submits that this petitioner is the member of the gang and had actively participated in committing the alleged crime in which they overtook the informant and snatched away the bag containing a sum of Rs. 8,68,255. It is pointed out that on the basis of the confessional statement of the petitioner that he had kept the money in the house of his Bahnoi, when the raid was conducted in the said house of the brother-in-law of the petitioner, a sum of Rs. 1,50,000/- has been recovered. The co-accused who had participated with the petitioner namely Sonu Kumar and Ritik Kumar also confessed their guilt and recoveries were made from their possession as well.

It is, thus, submitted that considering the gravity of the offence under Section 395 and 412 of the Indian Penal Code and the punishment prescribed thereunder, in the nature of the materials present, petitioner does not deserve privilege of bail.

Considering the facts and circumstances of the case, there being confessional statement of the petitioner and the two other accused leading to recovery of money and further that the prayer for bail of co-accused Sonu Kumar has also been rejected by this Court in similar circumstance in Cr. Misc. No. 6215 of 2021, this Court is not inclined to release the petitioner on bail.

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

Let the trial be expedited.

The trial court shall take all endeavours to conclude the trial at the earliest and preferably within a period of one year from the date of communication of this order. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed of accordingly.

(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'.