

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13479 of 2021

Arising Out of PS. Case No.-313 Year-2019 Thana- RAJIVNAGAR District- Patna

VIKASH KUMAR MALI @ VIKASH MALI Son of Late Anil Prasad Mali
@ Anil Kumar R/O - Gaighat Daxhini Gali (South Lane), P.S. - Alamganj,
Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Adv.

For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2021 Heard the parties.

The petitioner seeks bail in connection with Rajivnagar
P.S. Case No.313 of 2019 (Now Sessions Trial No-1054/19)
registered for the offence punishable under Sections 395/397 of
the Indian Penal Code.

The prosecution case in short is that several unknown
miscreants entered into the shop of the informant after injuring
the guard, locked the door and on the point of pistol committed
'*loot pat*' in the shop and taken away diamond, gold, silver
ornaments amounting to Rs. 40000000 to 50000000 with cash
Rs.13 Lakhs and several mobile phones.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence



as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to village politics. He is not named in the FIR nor apprehended on the spot but his name transpired in the case only on the basis of confessional statement of co-accused namely Ravi Gupta @ Patient. No incriminating article has been recovered from the conscious physical possession of the petitioner. No T.I. Parade has been held till now and charge sheet has been submitted. The petitioner has 16 criminal antecedents, as mentioned in para-3 of the bail application and has been languishing in custody since 20.07.2019.

Learned APP for the State opposed the prayer for bail.

Considering the aforementioned facts and that the petitioner has 16 criminal antecedents, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner made through the instant bail application is hereby rejected.

However, petitioner is at liberty to renew his prayer for bail after framing of the charge.

(Anjani Kumar Sharan, J)

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