

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16190 of 2021**

Arising Out of PS. Case No.-218 Year-2020 Thana- BARHIYA District- Lakhisarai

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MADAN SINGH S/O LATE TANIK SINGH R/O VILLAGE-
KHUTAHADIH, P.S-BARADIYA, DISTRICT-LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikram Deo Singh, Adv.

Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-09-2021 At the outset, learned counsel for the petitioner submits that in the cause title the name of police station relating to petitioner's address has wrongly been typed as 'Baradiya' which should be 'Barahiya' and seeks permission to correct the same.

Permission is granted. Let it be read accordingly.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Barahiya P.S. Case No.218/2020 registered for the offences punishable under Section 395 of the Indian Penal Code. Later on, Section 412 I.P.C. was also added.

As per the prosecution story, the informant who is the driver of pickup van bearing Reg.No.BR-01GG/5985 gave his

statement before the police stating therein that on 23.09.2020 at 9.00 pm he along with his associates was proceeding for Purnea from the aforesaid pickup van loaded with fertilizers and pesticides. It is alleged that on 24.09.2020 at about 12.30 in the night he reached near Jainpur Shahid Dwar, in the meantime, six miscreants riding on two Apache Motorcycles intercepted his vehicle and on the point of weapons got them down from the vehicle and two miscreants taken away his pick up van towards village Mariyapur and the informant and his associate were made to sit on the motorcycle and the miscreants took them towards village Dumri where the informant and his associate were kept in Primary Girls School and on the point of pistol the miscreants snatched the purse of the informant containing cash rupees six thousand, aadhar card and driving license. They also snatched their mobiles. It is further alleged that after 2 and 1/2 hours the two miscreants brought the pick-up van and handed over to the informant on which the two miscreants sat with the informant and got the pick-up van drove towards Panchmahlla and at the petrol pump the two miscreants stepped down from the pick-up van and fled away after returning the mobile phones to the informant and his associate.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not named in the FIR and nothing incriminating has been recovered from the possession of

the petitioner. It is submitted that the petitioner is in custody in connection with this case since 29.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the materials placed before this Court that the looted goods/materials have been recovered from the house of this petitioner, considering the entire modus operandi and that it is not the case of the petitioner that he is not residing in the said house, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

The prosecution must cooperate in early conclusion of the trial. If the trial still remains unconcluded within a period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

(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'.