

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17965 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- BATHNAHA District- Sitamarhi

Jitendra Kumar Son Of Lalu Ray R/O Village- Jhitkahiya, Ward No.5, P.S.-
Bathnaha, District- Sitmarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-10-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bathnaha P.S. Case No. 81 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act. The petitioner is in custody since 11.05.2020.

As per the prosecution story, the police got secret information that the warranted accused (the petitioner) is likely to move towards Bariyarpur through NH-77, after recording this information in the Station diary, the police party laid a trap and caught the petitioner on chase while he was going on a motorcycle with two other persons. On search in presence of the independent witnesses, from possession of the petitioner one loaded country-made katta with one live cartridge and a mobile phone were recovered. From the possession of the co-accused nothing was recovered, however, it is alleged that they were helping the petitioner in



committing loot. Police also seized one Apache motorcycle without any number plate.

Learned counsel for the petitioner submits that in this case the petitioner has remained in custody since 10.05.2020, considering the allegation vis-a-vis the custody the petitioner may be enlarged on bail because the trial is not likely to be concluded in near future.

On the other hand, Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that no doubt the Court is considering sometimes release of an accused on bail in such circumstance in the nature of the allegations in the present case if the accused has remained in jail for over one year but the allegations made in the present case if considered together with the huge number of criminal antecedents of serious nature and the fact that the petitioner was evading his arrest in a number of cases of serious nature, it would not be a fit case for this Court to exercise its discretion to enlarge the petitioner on bail.

Learned APP has pointed out that there are 10 criminal antecedents of the petitioner and even as on today he is not on bail in at least two cases as reported to this Court by learned counsel for the petitioner and both the cases are of the year 2019.

Having regard to the facts and circumstances of the case wherein this Court has found that in the FIR itself the informant police officer has recorded that the petitioner is a warranted accused meaning thereby that the petitioner was required in some criminal cases in



which he was evading his arrest and this Court has noticed from the kind of criminal antecedents that the petitioner is accused in 10 cases of serious offences including case of murder, dacoity and robbery, the conduct of the petitioner is such that this Court is of the considered opinion that release of the petitioner at this stage is likely to result in tampering with the evidence and threatening of the witnesses which may further delay the course of trial, this Court, therefore, refuses to grant bail to the petitioner.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. Learned trial court shall take all endeavours to conclude the trial as early as possible.

The 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'.

