

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26892 of 2021

Arising Out of PS. Case No.-390 Year-2020 Thana- GORAUL District- Vaishali

Chandan Kumar Son of Late Surendra Mahto R/O Village- Bargaon, P.S.-
Piyar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 03-12-2021 Heard Mr. Manish Chandra Gandhi, learned counsel
for the petitioner and Dr. Indihar Kumari, learned Additional
Public Prosecutor through video conferencing.

The petitioner who is in custody since 20.10.2020
seeks regular bail in connection with Goraul (Kathara O.P.) P.S.
Case No. 390 of 2020 for the offence punishable under sections
394, 307 of the Indian Penal Code as well as Section 27 of the
Arms Act.

The prosecution story in brief is that on 3.9.2020 four
unknown miscreants armed with lethal weapons looted Rs.
45,000/- cash, passport, driving license, passbook, atm card,
adhar card, Pan card and voter I.D. alongwith SamsungJ-7 Next
mobile phone from the informant on the gun point.

It has been alleged in the FIR that all the miscreants



opened fire on the informant due to which he sustained fire-arm injury in his right forearm. The informant was treated at PHC Kathara, Hajipur Sadar Hospital and subsequent to that in other hospital at Hajipur. Later on, the accused persons were arrested and the Samsung J7 mobile phone alongwith Rs 5000/- was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that he has no concern with the alleged occurrence and further he submits that nothing incriminating has been recovered from his conscious possession. He pleads his innocence and submits that his criminal antecedent is clean and hence the petitioner be released on bail.

Dr. Indiwari Kumar, learned APP vehemently opposed the prayer for grant of bail to the petitioner.

Heard the submissions of the parties, the relevant records of the case, it appears that prima facie the case was registered against the unknown persons in the FIR for robbery of Rs. 45000/- however mobile phones were recovered from the possession of the petitioner in course of investigation, I am not inclined to release the petitioner on bail. Accordingly, the present application is dismissed.

Learned counsel appearing on behalf of the petitioner



submits that charge-sheet has already been submitted and the petitioner is involved in a petty offence and his liberty has been put under suspension.

Considering the above submission of the petitioner, let the court below proceed with the trial expeditiously, preferably within a period of nine months. The petitioner, if so advised, he may renew his prayer for bail, if there is no substantial progress in the trial in the aforesaid period.

(Purnendu Singh, J)

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