

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28795 of 2021**

Arising Out of PS. Case No.-38 Year-2020 Thana- NAGAR District- Vaishali

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Lucky @ Gyan Ranjan, Male, aged about 23 years, Son of Ved Prakash
Resident of Village - Sanchipatti, Shakti Nagar, PS Hajipur Town, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Nandan Prasad Singh, Senior Advocate with
Ms. Prakritita Sharma, Advocate

For the State : Mr. Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 29-09-2021

Heard Mr. Shri Nandan Prasad Singh, learned senior
counsel along with Ms. Prakritita Sharma, learned counsel for the
petitioner and Mr. Md. Matloob Rab, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Hajipur Town PS Case No. 38 of 2020 dated 13.01.2020,
instituted under Section 392 of the Indian Penal Code.



3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment dated 12.10.2020 passed in Cr. Misc. No. 22575 of 2020.

4. Learned counsel for the petitioner submitted that though the Court has considered on merits the case of the petitioner earlier, as has also been recorded in order dated 12.10.2020, but submitted that a vital aspect has not been properly considered by the prosecution as an application given by the mother of the petitioner for verification of the location of his mobile phone has not been looked into. It was submitted that the petitioner was present in his house at Mokama, in the police colony on the date and time of the incident and, thus, could not have been party to the crime. Further, it was submitted that there has neither been recovery of any cash nor any material which are said to have been looted from the office of company.

5. Learned APP also reiterated what has been recorded in the last order of rejection dated 12.10.2020.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any mitigating circumstances for allowing the prayer for bail to the petitioner since the last order of rejection.

7. Accordingly, the petition stands dismissed.



8. However, the Court below shall expedite the trial and conclude the same, preferably within one year from the date of communication of the order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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