

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32131 of 2020**

Arising Out of PS. Case No.-27 Year-2019 Thana- HIRAMMA P.S. District-
Sheohar

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Md. Chand S/o Jumman Mansoori Resident of Village-Hirauta, P.S.-
Hiramma, District-Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate
For the Informant : Mr. Devendra Kumar, Advocate
For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 12-02-2021 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner hereby
undertakes to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 11.06.2020 in
connection with Hiramma P.S. Case No. 27 of 2019 for the
offences alleged under Sections 363, 511, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely
implicated in connection with attempt to kidnap the four year old
daughter of the informant and firing upon her. It is submitted



that even according to the F.I.R., the accusation of firing is upon co-accused Sanjay Sah and except suspicion, there is no objective material to connect the petitioner with the alleged occurrence. There is delay of 15 days in institution of the F.I.R. on 21.05.2019 for the alleged occurrence of 06.05.2019. The petitioner has already suffered more than eight months in custody.

4. Learned APP assisted by learned counsel for the informant appears and opposes the bail petition, submitting that other witnesses in paragraphs-9, 10, 12 and 42 of the case diary have supported the prosecution case stating clearly that it was the petitioner who tried to kidnap the informant's minor daughter and was the main assailant who fired upon her. Reference has been made to paragraph-141 of the case diary containing the injury report disclosing firearm injury. The petitioner is accused in as many as six prior cases involving serious offences as enumerated in paragraph-125 of the case diary whereas only one antecedent of the petitioner has been stated in paragraph-3 of the bail petition. The supplementary affidavit subsequently giving details of the six antecedents of the petitioner has been filed only after being pointed out by learned counsel for the informant.

5. A perusal of paragraph-27 of the case diary containing the re-statement of the informant discloses that the informant has once again named co-accused Sanjay Sah as the



main assailant. However, considering that the petitioner has not voluntarily and fairly disclosed all the criminal antecedents, this Court is not inclined to grant the privilege of bail to the petitioner at this stage. The bail petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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