

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45200 of 2021

Arising Out of PS. Case No.-267 Year-2019 Thana- RUPASPUR District- Patna

Rajbir Singh, son of Abhinav Singh, R/o village- Sahsara, P.S.- Kukrabad,
Distt.- Amritsar (Punjab).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-12-2021 Heard learned counsel for the petitioner and Mr. Nand
Kishore Prasad, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain bail
in connection with S. Tr. No. 17/2021 arising out of Rupaspur
P.S. Case No. 267 of 2019 registered for the offences under
Section 394 of the Indian Penal Code.

Earlier while rejecting the prayer for bail of the
petitioner, this court has taken note of the fact that from
possession of the petitioner the gold ornaments have been
recovered.

Learned counsel for the petitioner, however, submits
that the recovery is from the house which does not belong to the
petitioner and further that no Test Identification Parade has been
conducted in this case.

Learned A.P.P. for the State, however, submits that it



is a case in which a jewelry shop was looted away and the gold ornaments of the said jewelry shop have been seized from the room in which the petitioner was living. He has further pointed out that this petitioner is a permanent resident of Amritsar in the State of Punjab and he is unable to explain as to in what connection he was living at Patna, moreover, the materials have come in course of investigation that the petitioner has no immovable property in the State of Bihar and the co-accused who were granted bail are now not cooperating in course of trial and the records of the trial court is still coming for appearance of the co-accused. Thus, it is submitted that the petitioner, who has otherwise two other criminal antecedents of similar nature, if released on bail, is likely to abscond like other co-accused and he will not allow the trial to be concluded.

This court finds force in the submission of learned A.P.P. for the State. A perusal of the report from the learned trial court shows that in this case two accused persons namely, Vikash Kumar and Karan Kumar have not appeared despite issuance of summons to them. Due to the pandemic situations these two custody accused were not produced from jail and after their custody warrant was issued on 18.01.2021, these petitioners were produced before the court. Presently, the



lawyers are on strike and hence the functioning of the court is not taking place.

This court, therefore, finds that in the nature of the seriousness of the offence alleged against the petitioner, recovery of the looted articles and his criminal antecedents, no change in opinion may be made out.

The prayer for release of the petitioner is once again rejected.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

