

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38075 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- EAST COLONY District- Munger

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AMIT KUMAR@ BITTU SON OF LATE RAJENDRA PASWAN @
RAJENDRA PASWAN RESIDENT OF VILLAGE- OUT HOUSE NAGAR
PARISAD, JAMALPUR, POLICE STATION- EAST COLONY, DIST-
MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
East Colony Police Station Case No. 41 of 2020, registered for
the offence punishable under Sections 457/380 of the Indian
Penal Code.

The allegation, as per the First Information Report, is
that on 04.07.2020, the informant, who is the employee of the
Railway Workshop, had gone to his village to attend the Shradh
ceremony and when he returned to his house, he found that lock
of his quarter was broken and theft has been committed in his
house and the details of the theft articles have been attached
with the First Information Report.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statements of co-accused, Deepak Kumar, Aman Kumar @ Tillu and Vikash Kumar. He next submits that no incriminating article has been recovered from the possession of the petitioner and he has also not been put on Test Identification Parade. He claims parity and relies on the order, dated 12.01.2021, passed in Criminal Misc. No. 28656 of 2020, by which similarly situated co-accused Nishant Kumar, has been granted bail by co-ordinate Bench of this Court.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner is a habitual offender inasmuch as he is accused in two other cases of similar nature and on the basis of the confessional statements of the petitioner and other co-accused persons, stolen property, i.e. scooty and other articles have been recovered from Quarter No 13.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that at the instance of the petitioner and other co-accused persons, stolen property has been recovered and the petitioner



has criminal antecedent, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after three months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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