

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38888 of 2020**

Arising Out of PS. Case No.-116 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

MD KASIM Son of Md. Hafiz Resident of Village - Belka, P.S.- Vaishali,
Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Bela Singh,Advocate
For the Opposite Party/s : Mr.Lalan Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 116 of 2020 registered for the offence punishable under Sections 406, 420, 120B, 412, 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per prosecution story, the truck loaded with kurkure was going to Mohaniya from Goraul in the night of 14.02.2020 but the same went missing. The driver of the vehicle disclosed that his vehicle was snatched away within the jurisdiction of Sadar



Police Station, he was brought to hospital by Ahiyapur police.

Learned counsel submits that in course of investigation co-accused Sonu Kumar was arrested and his confessional statement was recorded by police. In his confessional statement, he disclosed the name of this petitioner and one co-accused Mahesh. On the basis of the confessional statement of co-accused Sonu Kumar from the poultry farm of co-accused Mahesh, the loaded truck was recovered.

Learned counsel, therefore, submits that as against the petitioner there is nothing more than a confessional statement of the co-accused.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is his submission that the confessional statement of the co-accused Sonu Kumar names this petitioner as well as co-accused Mahesh and at his instance from poultry farm of Mahesh a loaded truck has been recovered, therefore, the part of the confessional statement accusing this petitioner and co-accused Mahesh cannot be thrown out that too when the recovery has been made at his instance.

It is further submitted that this petitioner has got criminal antecedents of 7 cases and some of them are of like nature.



Having regard to the facts and circumstances of the case wherein on the basis of the confessional statement of the co-accused not only the name of the petitioner has transpired rather recovery of loaded truck has also been made from the poultry farm of the co-accused Mahesh, and further that the petitioner has got criminal antecedents of 7 cases and some of them are of the like nature, this Court is not inclined to grant regular bail to the petitioner. The prayer for regular bail of the petitioner is, thus, refused. Let the trial be expedited.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

