

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6272 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- HABIBPUR District- Bhagalpur

NITISH KUMAR ALIAS NITISH KUMAR CHOUDHARY SON OF LALIT
NARAYAN CHOUDHARY RESIDENT OF SULTANGANJ BALU GHAT
ROAD, KUSHWAHA TOLA, P.S.- SULTANGANJ AND DISTRICT-
BHAGALPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Habibpur P.S. Case No. 75 of 2020 registered

for the offences punishable under Section 392 of the Indian

Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story unknown persons has intercepted the

informant and he was going on his motorcycle, the unknown

persons came on a black colour R15 motorcycle from opposite direction, stopped the informant and snatched the key of the motorcycle and also his Apple mobile and took away Rs. 20,000/- kept in the pocket of the informant and a diamond ring from his finger. They also threatened the informant if he attempts to raise any hulla.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in course of investigation on mere suspicion. No T.I.P. has been conducted to identify the petitioner till date. Petitioner was arrested in connection with this case on 08.06.2020, his signature was obtained on blank paper and the same has been converted into a confession.

Learned counsel further submits that the recovery of looted motorcycle has been shown from a place outside the house of the petitioner. It is further submitted that the petitioner has got five criminal antecedents, he is on bail in all those cases. It is further submitted that co-accused Md. Betab has been granted bail by this Court in Cr. Misc. No. 7190 of 2021.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that this petitioner seems to be a habitual offender in as much as it may be found from paragraph '3' that he has got five criminal

antecedents and all are for serious kind of offences. The cases are under Section 395 I.P.C., 307 I.P.C. and 302 I.P.C. and under the provisions of the Arms Act. If this is seen together with the materials on the record showing that the looted motorcycle has been recovered in front of the gate of the house of this petitioner on the basis of an information received to the police party and then the petitioner has been arrested upon the recovery of the motorcycle, prayer for bail of the petitioner would be refused.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the looted motorcycle has been recovered in front of the gate of the house of this petitioner and the petitioner has got five criminal antecedents and all of are of serious nature, this Court had granted bail to the co-accused who had no criminal antecedent at all, this being the distinguishing feature of this case, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial court proceed with the trial and all endeavours be made to conclude the same as early as possible and preferably within a period of nine months from the date of start of normal functioning of the court. The prosecution must

cooperate by producing all the witnesses on the dates fixed in the matter.

If the trial remains unconcluded during this period for no reasons attributable to the petitioner, he may renew his prayer for bail.

This 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’.