

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10730 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- BHAGWAN BAZAR District- Saran

Sohram Nut, Son of Chiturgun Nut @ Chaturgun Nat @ Langra Nut, Resident
of Village -Daudpur Giri Tola, P.S. - Daudpur, District - Saran at Chapra.
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

4 21-08-2021 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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bagwan Bazar P.S. Case No. 304 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code. He is in custody since 07.09.2020.

As per the prosecution story, the petitioner along with his accomplice one of whom was in Police dress entered in the house of the informant saying that they have to search the house of the informant as they have got a search warrant. The informant opened his door because of such saying of the petitioner and the other miscreants. Thereafter, the petitioner

and his accomplice entered into the house of the informant, put pistol on him and took away the mobile phones, laptop, cash and the jewelry from the house of the informant. The informant, his wife and mother-in-law were confined in a room and the door of the room was bolted.

Learned counsel for the petitioner submits that the name of the petitioner surfaced in the confessional statement of the co-accused Ravi. Ravi and Pappu who were keeping watch over the patrolling party outside the house have been granted bail.

Learned counsel further submits that there is no recovery of any stolen article or cash from the possession of the petitioner. He has not been put on Test Identification Parade.

Mr. Akhileshwar Dayal, learned A.P.P. for the State submits that on the basis of the confessional statement of the co-accused Ravi when this petitioner was arrested and his statements were recorded, a search was conducted in his house and the Police uniform was seized from the house of this petitioner which strongly shows the involvement of the petitioner. It is further pointed out that this petitioner has got five other criminal antecedents and all of them are of the same nature. Learned A.P.P. has, thus, opposed the

prayer for regular bail of the petitioner saying that he seems to be a habitual offender and seizure of the Police uniform from his house is a reliable material.

Considering the facts and circumstances of the case, the seriousness of the allegations and the nature of the materials placed before this Court as also considering the seriousness of the criminal antecedents of the petitioner coupled with the fact that the Police uniform has been recovered from his house, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited and all endeavours be made to conclude the trial within a period of nine months from the date of start of physical functioning of the court.

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

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'.