

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16913 of 2022**

Arising Out of PS. Case No.-65 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Niraj Singh @ Niraj Kumar Son of Late Santosh Chaudhari Resident of
village - Karwandiya, P.S.- Sasaram Muffasil, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Sasaram Mufassil P.S. Case No. 65 of 2021 under section 395 of
the Indian Penal Code.

The allegation in the FIR is that the informant was on
NH-2 driving his Bolero Pick up loaded with tomatos and the
vehicle was moving towards Asansol. Further allegation is that
the accused persons riding Alto Car was chasing the informant's



vehicle and forcibly got the same stopped. Thereafter, some more persons reached on motorcycle and surrounded the vehicle. They opened fire, brought the informant and his associates outside the vehicle whereafter the accused persons took the keys of the said Bolero and moved away. The informant thereafter informed the owner of the vehicle. Further allegation in the FIR is that beside the vehicle, the accused persons also looted Rs. 7900/- ATM Card, 'Aadhar' Card and the driving license as also the documents of the vehicle from him. Accordingly, the FIR was lodged.

The FIR was lodged in February, 2021 and after evading arrest for almost one year, he finally came into the judicial custody on 31.1.2022.

The learned counsel for the petitioner submits that delay of one year is because he was availing provision that has been granted to him under section 438 of the Cr. P.C. and as such there is delay of one year.

This Court is not convinced with the theory put forward by the learned for the petitioner. There is allegation of intercepting the vehicle on the most important National Highway No.2 and looting the same beside decamping with the cash as also other important documents of the vehicle and that



of the informant.

Taking into account the aforesaid facts, this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

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