

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19870 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Subhash Yadav, Son of Late Nand Prasad Yadav @ Chandeshwari Yadav,
Resident of village - Madhuban, Ward No.- 16, P.S.- Simri Bakhtiyarpur,
District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 553 of 2021, registered for the alleged offences under Section 394 of the Indian Penal Code.

As per the prosecution case, the informant lodged the FIR stating that unknown miscreants looted Rs.8,93,170/- which the driver of the informant was bringing from acquaintance of the informant who was entrusted with the money by the



informant. Later on, during investigation, the fact came to the knowledge that the petitioner along with the driver of the vehicle and other co-accused were involved in a conspiracy and tried to pass the matter as robbery.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The co-accused Hareram Yadav, the driver of the informant, is the main culprit and he planted the money shown to be recovered from the house of the petitioner. Even the money stated to be looted from the co-accused driver is less than the amount recovered from the house of this petitioner, so it is not the same cash. There is no description of looted amount, though the denomination of recovered notes have been given. The petitioner is a labourer and he is in custody since 13.07.2021. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that recovery of the money has been made from the house of this petitioner at the instance of co-accused Hareram Yadav. The petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery of money has been made from the house



of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within nine months.

If the trial is not concluded within the aforesaid period of nine months, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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