

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20194 of 2022

Arising Out of PS. Case No.-235 Year-2018 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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Chandan Kumar Gami @ Chandan Gami Son Of Kari Gami R/O Village-
Shahid Chowk, Jai Nagar, P.S.- Jai Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 18-10-2022 Learned counsel for the petitioner is permitted to re-

move the defect(s), as pointed out by the office, within a period

of four weeks from today.

Heard Ms. Madhubala Verma, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Rail Darbhanga P.S. Case No. 235 of 2018, reg-
istered for the offences punishable under Section 394 of the In-
dian Penal Code.

As per the prosecution case, it is alleged that while the
informant along with his cousin, his wife and children had come
to Darbhanga and they were present at Darbhanga Junction, in
the meantime one unknown person came near his cousin



Ram Karan Yadav and on the pretext of search, he took away his purse from his bag and upon protest, he gave knife blow on his abdomen and fled away with his purse containing Rs. 10,000/- cash.

Learned counsel appearing on behalf of the petitioner submits that admittedly the FIR has been instituted against unknown person, however, during the course of investigation on suspicion, the petitioner was apprehended and on the basis of his self-confession his name has been implicated in this case. She further submits that the petitioner is in custody since 03.10.2018 and till date there is no substantial progress in the trial and no likelihood of conclusion of trial in near future. She also submits that the looted amount was not recovered from the possession of the petitioner, however, she fairly submitted that earlier the prayer for bail of the petitioner was rejected by learned Co-Ordinate Bench of this Court in Cr. Misc. No. 32155 of 2020, vide order dated 11.01.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that earlier the prayer for bail of the petitioner was rejected, after taking into consideration that the petitioner was identified in test identification parade and from his possession several incriminating



articles including the knife, which is said to have been used for committing the crime, have been recovered. He further submits that the petitioner is found involved in seven other criminal cases and he appears to be habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that prayer for bail of the petitioner was earlier rejected, after taking into consideration the entire submissions as is being made before this court, apart from the specific accusation and recovery of incriminating material, this court is not persuaded to enlarge the petitioner on bail for present.

However, it is expected that the learned Trial Court will take all endeavor to expedite and conclude the trial as early as possible, preferably within a period of six months, failing which the petitioner would be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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