

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22301 of 2022

Arising Out of PS. Case No.-215 Year-2013 Thana- BARBIGHA District- Sheikhpura

Maksudan Yadav @ Masudan Yadav S/o Balram Yadav Resident of Village-
Majrohi, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 05-09-2022 Prior to argument, learned counsel for the petitioner submits that a supplementary affidavit has been filed in this case indicating that antecedent of petitioner is not clean and he is accused in two criminal cases i.e. (1) Pirpainti P.S. Case No. 95 of 2006, under Section 395 and 397 of I.P.C. & (2) Pirpainti P.S. Case No. 10 of 2008, under Section 392, 411 of I.P.C. read with Section 25(1-b)a, 26 of the Arms Act.

His supplementary affidavit is accepted and treated to be part and parcel of the main record.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with

Barbigha P.S. Case No. 215 of 2013 lodged under Sections 406 of the Indian Penal Code but later on Section 364, 396, 302, 201, 120(B) of the Indian Penal Code has been added on 05.12.2018.

As per the prosecution case, allegation of theft of truck bearing Registration No. BR52-6529, Engine No. GA71133147, Chassis No. MAIRZ2GAA71153556 has been made against the driver Uday Prasad.

Learned counsel for the petitioner submits that according to prosecution only 1 person has been made accused in this case. Petitioner is not named in the F.I.R., his name has come on the confessional statement of co-accused namely Munna Kunwar @ Munna Kuwar. Learned counsel for the petitioner submits that the said Munna Kunwar @ Munna Kuwar on whose confession the name of petitioner has figured in this case has been granted bail by the Co-ordinate Bench of this Court vide order dated 08.05.2014 passed in Cr. Misc. No. 5419 of 2014 after completion of custody of about 8 months.

Learned counsel for the petitioner submits that petitioner is in custody since 25.01.2022 and petitioner is ready to fulfill all the conditions whatsoever it may be imposed upon him. On the query that whether charge has been framed or not,

learned counsel for the petitioner submits that upon seeking information from pairvikar of the case, it has been informed to him that till date charge has not been framed.

Learned counsel for the State opposes the prayer for bail and submits that this petitioner has disobeyed the order passed by this Court on early occasion, so at the time of hearing of his bail application due precaution may take place.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but he may renew his prayer for bail after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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