

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26265 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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Himanshu Kumar, Son of Brajesh Kumar Srivastava @ Brajesh Kumar, R/O
Village- Jaisinghpur Tola Madhupur, P.S.- Turkauliya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Dumariyaghat P.S. Case No. 244 of 2021
registered for the alleged offences under Section 392 of the
Indian Penal Code.

As per prosecution case, three miscreants tried to
break the lock of pick-up van of the informant and when the
informant tried to stop them, one of the miscreants put a gun
over him and threatened him with life and took away his vehicle.



The name of the petitioner surfaced during investigation.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his possession nor he was even put to any Test Identification Parade. The petitioner was arrested in Turkauliya P.S. Case No. 930 of 2021, thereafter he was remanded in this case. Recovery of a country made pistol with two live cartridges and mobile phones are said to have been made from this petitioner for which a separate case has been registered. The pick-up van is said to have been recovered from the possession of co-accused Vishal Kumar and for that Turkauliya P.S. Case No. 930 of 2021 has been lodged. The establishment of identity of the petitioner by the informant is not in accordance with law and is not believable. Petitioner is in custody since 10.01.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons were apprehended along with vehicle looted from the informant and the informant also identified the petitioner who threatened him with life and looted his pick-up van bearing registration no.-



BR-31GA-6935 from his doors. The petitioner has got criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was identified by the informant who pointed the weapon to him and further considering the recovery of vehicle along with the vehicle which was used in robbing the informant of his vehicle, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

A report regarding conclusion of trial be sent after expiry the period of nine months.

(Arun Kumar Jha, J)

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