

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26241 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- MANIHARI District- Katihar

Ram Kumar Yadav Son Of Laxmi Yadav R/O- Dhuriyahi, P.S.- Manihari,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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 Manihari P.S. Case No. 171 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per the prosecution case, three miscreants looted the motorcycle of informant threatening him with knife. They also took away Rs.6500/- and a mobile phone. The same miscreants also looted another motorcycle and Rs.10,000/- and a mobile phone from one Ranvir Kumar Mandal. During investigation, the name of the petitioner transpired as one of the accused persons.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been falsely implicated



in this case on the basis of confessional statement of co-accused Bikash Yadav. On the basis of confessional statement, a recovery of motorcycle has been shown from the house of this petitioner and he was taken in custody but he was not put to any test identification parade. He is in custody since 06.03.2022 and charge-sheet has been submitted. Co-accused Bikash Yadav has been granted bail by by this Court vide Cr. Misc. No. 20180 of 2021 by order dated 23.07.2021.

Learned APP opposes the prayer for bail submitting that recovery of a looted motorcycle was made from the house of the petitioner. Learned APP further submits that no recovery was made from co-accused who has been granted bail and was in custody for about one year when he was granted bail.

Having regard to the submissions made hereinabove and considering the recovery of looted motorcycle from the petitioner, 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.

(Arun Kumar Jha, J)

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