

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37970 of 2021**

Arising Out of PS. Case No.-146 Year-2019 Thana- VAISHALI District- Vaishali

Sonu Kumar, S/O Banarash Ray, R/o village- Keshopur, P.S. and District-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 18-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Vaishali P.S. Case No.146/2019 registered for the offences punishable under Section 395 of the Indian Penal Code. He is in custody since 09.11.2020. The petitioner has got eight criminal antecedent.

As per the prosecution story, on the informant loaded the goods of Udan Company from Patna city and proceeded for Motihari and Bettiah. It is alleged that on 19.04.2019 at about



11.30 pm in the night when informant reached near cold-storage situated at village Shahjahanpur in the Vaishali police station one black colour Bolero Jeep overtook his vehicle and thereafter one person wearing uniform and seven other persons in civil dress got down from the said Bolero Jeep and they forcefully got him seated in their Bolero Jeep and other two miscreants took away the pickup van towards Saraiyan. It is further alleged that the aforesaid miscreants tied the informant in one tree near Daudnagar and they also snatched mobile phone, cash Rs.3000/- and driving license and ran away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. No TIP has been conducted so far and nothing incriminating has been recovered from the possession of the petitioner. The petitioner is on bail in some of the cases stated in paragraph '3' whereas in some of the cases he is not on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner has himself confessed his guilt, he has disclosed the name of the members of his gang and considering that the petitioner is involved in several cases of serious nature, if released on bail, he is likely to get indulged in the occurrence again and the fact



that there were cases against him since 2017 and 2018 but he has been arrested only in the year 2020 further shows that conduct of the petitioner in delaying the trial.

At this stage, Ms. Bela Singh, learned counsel for the petitioner submits that one of the co-accused has been granted bail by this Court and another by learned coordinate Bench of this Court. On query made by this Court, learned counsel admits that the co-accused who has been granted bail by this Court was not having any criminal antecedent.

Having regard to the materials present on the record upon noticing that in the present case apart from the confessional statement of the petitioner the fact is that he is an accused in eight other cases of serious nature and in some of the cases which are of the year 2017 and 2018 the petitioner could not be arrested and he has come in the custody in this case only since 09.11.2020, at this stage, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

The learned trial court shall make all endeavours to conclude the trial as early as possible, keep the records of the case on shorter dates and all efforts be made to conclude the



same preferably within a period of nine months from the date of communication of this order. The prosecution shall cooperate.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

