

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39297 of 2021**

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

=====

MD. KASIM, S/O Md. Hatiz, Resident of Village - Belka, P.S. - Vaishali.
District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Kanchan Kumari, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, 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. Akhileshwar Dayal, 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 12.11.2020. The petitioner has got five criminal antecedents, however in paragraph '3' of the petition only four criminal antecedent has been disclosed.

As per the prosecution story, 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 is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner and he is in custody in connection with this case since 12.11.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the materials present in the case diary which have been read over by Mr. Akhileshwar Dayal, learned APP for the State showing involvement of the petitioner in several occurrences of similar nature and further that the



petitioner has got five criminal antecedents and all are of serious nature under Section 395 IPC and under Section 27 of the Arms Act, this Court is not inclined to release the petitioner on bail at this stage.

Learned counsel for the petitioner has given much emphasis on her submission that two co-accused have been granted bail in this case, but Mr. Akhileshwar Dayal, learned APP has clarified that in those cases one of them had no criminal antecedent whereas another one had got two cases. This Court is, therefore, not inclined to accept even this plea of learned counsel for the petitioner.

Let the trial be expedited.

The learned trial court shall proceed with the trial as early as possible and all endeavours be made to conclude the same preferably within a period of nine months from the date of communication of this order.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

