

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48596 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- BHARGAMA District- Araria

RAJESH KUMAR YADAV @ RAJESH KUMAR Son of Sikendra Yadav
Resident of Village- Fulkaha, Ward No.20, P.S.- Jadia, District- Supaul.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 392, 397 and 411 of the Indian Penal Code and sections 25(1-B)(a), 25(1)(a), 25(1-A), 26 and 35 of the Arms Act.

As per the prosecution case, four accused persons on two motorcycles are said to have looted the informant of a total sum of Rs.53,870/ on the point of pistol. It is further stated that two of the accused persons including the petitioner herein were caught. The informant identified the petitioner as the accused who held the pistol on him.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of oblique reasons. While the alleged seizure is said to have taken place at 3.45 pm, inspite of the Police Station being



at a distance of only 13 kilometres from the place of occurrence, the FIR was registered only at 9 pm without any explanation for the delay and further surprisingly the seizure list contains the FIR number. No incriminating article has been recovered from the petitioner's possession. The petitioner is in custody since 29.9.2020 and undertakes to cooperate in the trial wherein commitment has taken place.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on perusal of the allegations in the FIR it transpires that the petitioner and one another were caught soon after the occurrence and the informant identified the petitioner as the accused who had held the pistol on him when the informant was looted.

In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail in case there is no progress in the trial in 6 months of the communication of this order.

(Partha Sarthy, J)

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