

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41896 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- BIHAR District- Nalanda

=====

Dhananjay Kumar @ Monu Kumar S/o Naresh Prasad R/o Mohalla-
Mogalkuan, P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Bihar
P.S. Case No. 143 of 2022 registered for the offences punishable
under Sections 411, 420, 379, 427, 120(B) of the Indian Penal
Code.

As per the prosecution, the informant has alleged that
a cash of Rs.32,95,500/- was stolen away from the ATM
machine.

The main submissions advanced by the learned
counsel Mr. Pramod Kumar for the petitioner are that the
petitioner has clean antecedent and languishing in jail since



06.03.2022 and till date his trial has not commenced and even the charge has not been framed against him. Further submission is that as per the prosecution Rs.8,50,000/- and a part of the ATM machine concerned were alleged to have been recovered from the house of this petitioner but the said recovered amount of money was not put on Test Identification Parade and as per the prosecution the alleged occurrence of theft was captured on CCTV camera but in this regard no scientific investigation was made and the petitioner was not put on Test Identification Parade.

Learned APP Mr. Pawan Kumar Chaurasia appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR, seizure list and the order impugned. The alleged incident relates to theft of Rs.32,95,000/- committed from an ATM machine and during the course of investigation Rs.8,50,000/- and a part of the ATM machine from which the alleged amount was stolen were allegedly recovered from the house of this petitioner and the said recovery goes against the petitioner. In view of these facts and mainly taking into account the recovery of some part of the stolen amount from the house of the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of



bail. Accordingly, his bail prayer stands rejected.

As the trial of the petitioner has not commenced as per above submission and the petitioner has been languishing in jail since 06th March, 2022, hence Court concerned is directed to take steps to start the trial of the petitioner and conclude the same in the next six months. If the trial of the petitioner is not concluded in the said period or no significant progress is made in his trial in the next three months, then in the presence of either of these two conditions the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

sangam/-

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

