

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51544 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- PUNAURA District- Sitamarhi

=====

Umesh Chaudhary Son Of Late Ram Sewak Chaudhary R/O Village-
Kachaur, P.S.- Kanhauli, District- Sitamarhi Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh, Advocate
Mr. Uday Prasad Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 19-05-2022 Heard Mr. Uday Prasad Singh, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Punaura P.S. Case No. 80 of 2021 for the offence registered

under Section 395 of the Indian Penal Code.

As per the prosecution story, the informant who is

Manager of New Majorganj Automobile Hero Agency alleged

that when he was going with Rs. 17 lakhs in a bag of the said

'Agency' on a motorcycle, three persons intercepted him and

snatched the bag on the point of pistol. Accordingly, the

aforesaid FIR against unknown was registered.

Considering the fact that FIR was against unknown,



this Court vide order dated 25.04.2022 had called for the case diary in the matter which has been received and perused by learned APP.

Learned APP has drawn this Court's attention to paragraph-37 of the case diary where the petitioner has been caught in a C.C.Tv. footage. He further submits that in paragraph – 52, it has come that when the petitioner was arrested, he was still armed with loaded country made pistol. In paragraph-71, it has been stated that when the house of the petitioner was raided, Rs. 1.86 lakhs was recovered/seized.

Learned counsel for the petitioner has drawn this Court's attention to an order of the co-ordinate Bench of this Court in Cr. Misc. No. 46506 of 2021 dated 16.11.2021 by which one of the accused, namely, Monu Singh @ Niraj Kumar has been granted bail on the ground that he does not have any criminal antecedent. He further submits that the petitioner has not been put on Test Identification Parade.

A perusal of the case diary, as pointed out by the learned APP, show that not only some of the amount was recovered/seized from the petitioner herein, he do have criminal antecedent and at the time of his arrest, he was armed with a loaded country made pistol.



Considering the aforesaid facts, this Court for the present is not inclined to grant him any relief.

The bail application is hereby rejected.

The Trial Court is directed to expedite the trial and conclude the same at an earliest.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

