

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39056 of 2022

Arising Out of PS. Case No.-462 Year-2021 Thana- BANIAPUR District- Saran

=====

Brij Kishore Kr. @ Brij Kishore Kumar Son of Suraj Lal Singh Resident of
village - Sipaha Khash, P.S.- Majhagrah, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Baniyapur P.S. Case No.462 of 2021, registered for the

offences punishable under Section 395 of Indian Penal Code.

The prosecution case as emerges from the FIR is

that on 28.11.2021 at about 1:00 am, 12-13 unknown

persons broke into the house of the informant and looted

cash, ornaments, clothes and mobile phone, and while

leaving, they threatened him not to disclose the occurrence

to anyone.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 31.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that one looted mobile has been recovered from the petitioner and the petitioner has also one criminal antecedent of similar nature.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

The petition is dismissed accordingly.



However, Ld. Trial Court is directed to expedite the Trial and in case the Trial is not concluded within six months, the petitioner will have liberty to renew his prayer for bail.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

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

