

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59578 of 2022

Arising Out of PS. Case No.-97 Year-2019 Thana- JANDAHA District- Vaishali

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KAMAL KISHORE @ MANGAL Son of Gopal Mahto R/O Village-
Chhourahi, P.S- Khodabandpur (Chhourahi O.P), in the District of Begusarai
.. ... Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 13-01-2023 Heard the learned counsel for the petitioner

and the learned APP for the State.

The petitioner seeks regular bail in connection with Jandaha PS case no. 97 of 2019 instituted for the offences punishable under Section 392 of the Indian Penal Code.

The case of the prosecution in brief is that on 09.05.2019 at about 10 pm in the night, after loading fish on a Pick-up van, the informant departed for Hajipur and when he reached before Salha Power Grid House near Jandaha Bazar on NH-322, four miscreants travelling in a blue coloured Car, had overtaken and intercepted the Pick-up van of the informant, whereafter, they had looted 48 boxes of fish worth Rs. 1.5 lacs.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 23.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases. It is also submitted that the other co-accused persons have already been granted bail by co-ordinate Benches of this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the impugned order dated 07.09.2022 that the complicity of the petitioner in the alleged occurrence is writ large and moreover, the petitioner has got no regard for the process of law, inasmuch this case is of the year 2019 and he has surrendered only on 23.07.2022 i.e. after about four years of the alleged incident and had been absconding all throughout, thus, it would not be in the interest of justice to grant bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner had all throughout been absconding and has got no



regard for the process of law, I am not inclined to grant bail to the petitioner herein, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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