

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73277 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- PHULPARAS District- Madhubani

KULDIP KUMAR JHA @ TIGER S/O SRI VIRENDRA KUMAR JHA
VILLAGE- BARSAM, PS. BHEJA, DIST. MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Phulparas P.S. Case No. 364 of 2023 for the offence punishable under Section 392 of the Indian Penal Code and 27 of the Arms Act lodged on 2.7.2023 by the informant, Mukesh Kumar.

3. As per the prosecution story, when the informant was moving on National Highway- 27 (N.H.-57) from Silliguri to Balia carrying ginger on the pick-up van, it was stopped by the accused persons and after opening fire, threw him out of the vehicle and fled away with it. The informant in injured condition went to Dinesh 'Dhaba' where the owner immediately informed the police patrol party about it. He was subsequently taken to the Sub-Divisional Hospital and later referred to



D.M.C.H., Darbhanga for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner was picked up and forced to confess by the police. He further submits that confession before the police has no meaning and he has already suffered by being in custody since 5.7.2023 and do not have criminal antecedent.

5. Learned APP, Mr. Jitendra Kumar Singh on the other hand submits that it is true that the confession before the police has no meaning but when on the basis of such confession, there is recovery of 35 bags of ginger from the accused person (from the house of Bhola) the said confession cannot be ignored.

6. This Court finds force in the submission put forward by the learned APP. The poor Pick Up Van driver was injured by the accused persons who subsequently threw him out of the van which was taken away by them little realizing about the condition of the injured person. It was only due to humanitarian approach of the owner of the Dinesh 'Dhaba' that he was rushed to the Primary Health Center by the police and referred to D.M.C.H., Darbhanga and a precious life was saved.

7. From the document on records, it is clear that on



the basis of confession made by this petitioner, 35 kgs ginger was recovered from the house Bhola and in that background, the claim of the petitioner that one of the co-accused Manish Kumar has been granted bail has to be overlooked. No relief can be granted to him and the bail application stands rejected.

8. In view of the fact that that the petitioner is in jail, it is expected that the trial will be concluded within a period of next nine months from today.

(Rajiv Roy, J)

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