

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70760 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- JAHANABAD District- Jehanabad

Rajdeep Yadav Son of Jammu Yadav Resident of Gedabari Jurabganj, PS-
Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Jehanabad Town P.S. Case No. 204 of 2024 instituted for the
offences under Section 393 and 307 of the Indian Penal Code.

3. The prosecution story, in short, is that three robbers
were attempting to loot a motorcycle and its contents by
breaking the motorcycle's dickey but, the Informant caught one
of the robbers, Rajdeep Yadav, the petitioner herein, and he
allegedly injured the Informant with a sharp weapon.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that initially F.I.R. was registered under Sections 393 and 307 of the I.P.C. but, later on, charge-sheet was submitted under Sections 395 and 397 of the I.P.C. and, accordingly, cognizance was also taken under Sections 395 and 397 of the I.P.C. He further submits that no arms or sharp cutting weapon has been recovered from the possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. From the injury report, which is contained Para-56 of the case diary, it appears that the injury caused to the Informant is simple in nature. The petitioner has two criminal antecedents and is languishing in judicial custody since 12.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the Informant in his re-statement, as contained in Para-5 of the case diary, has corroborated the allegations made in the F.I.R. The petitioner, in his confessional statement contained in Para-33, has confessed his guilt. The witnesses in



Para- 6 and 7 of the case diary have also supported the prosecution case. The I.O. has submitted charge-sheet against the petitioner for offence under Sections 395 and 397 of the I.P.C. The petitioner has also two criminal antecedents. The postmortem report supports the prosecution case. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct allegation of assault against the petitioner, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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