

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8241 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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Firoj @ Md. Firoj S/o Bhure khan Resident of village- Asthsaini, P.s.- Garh
Mukteshwar, District- Hapur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary called for in Cr. Misc.

No. 5036 of 2025.

2. The petitioner seeks bail in connection with

Dumariyaghat P.S. Case No. 234 of 2024 instituted for the

offences under Section 309(4) of the BNS.

3. Prosecution case, in short, is that, three-four

unknown miscreants intercepted the informant and looted his

truck loaded with Pan Masala and fled away.

4. Learned counsel for the petitioner submitted that

the petitioner has falsely been implicated in the present case.

Petitioner is not named in the F.I.R. The name of the petitioner

transpired in this case on the basis of disclosure made by spy



and thereafter petitioner was apprehended and his confessional statement was recorded under duress. Learned counsel further submitted that there is a delay of five days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel further submitted that petitioner has got no concern with the looted truck or the goods loaded. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.11.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that there is recovery of nine bags of Shikhar Pan Masala and Jarda from the six accused persons including the petitioner. Police after investigation submitted charge-sheet under Sections 310(2), 317(3) of the BNS.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence as also there being recovery of looted goods from the possession of the accused persons including this petitioner, this Court is not inclined to



grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today. If any such application is filed before the learned court below, same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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