

Court of S.D.J.M., Biraul, Darbhanga
Ghanshyampur P.S. Case No.- 133/19

G.R.- 471/19

16/12/2019

The bail petition along with power has been filed on behalf of accused **1. Vikram Jha @ Vikram Kumar Jha aged about 20 years.** The copy of which served to the Ld. A.P.O. for the state. Accused appeared before the Court and taken into Judicial Custody.

The learned counsel for the defence submitted that the petitioner is quite innocent and has committed no offence. Prior to this the petitioner had filed anticipatory bail before the Session Judge Darbhanga vide ABP No.- 1359/2019 in which after hearing the Ld. Sessions Judge was pleased to transfer the same to the Court of A.D.J.VI Darbhanga where the prayer of petitioner was denied and thereafter the petitioner filed Criminal Misc. No. 6329/2019 before the Hon'ble High Court Patna, where his prayer for anticipatory bail was also refused with certain direction and after that petitioner had not moved in Apex Court and also no such petition is pending in any Court. Petitioner has falsely been implicated in this case due to grudge and local politics. From perusal of the F.I.R. your honour shall find that the case is false, concocted and absurd one. All alleged offences are bailable except offence u/s 308 and 379 IPC, in which offence u/s 308 IPC is not attracting in this case and offence u/s 379 IPC is ornamental and not specific. Petitioner has enmity with father-in-law of informant who is his villager and on his instance the petitioner has been also implicated in this case with others. The petitioner is ready to furnish bail bond to the satisfaction of the Ld. Court and prayed to grant bail to the petitioner.

The learned APO highly opposed the prayer of bail.

Heard both the parties and from perusal of the entire case record it appears that the case instituted u/s 147, 341, 323, 308, 379, 504, 506 IPC in which u/s 308 and 379 IPC are non-bailable and u/s 308 IPC is triable by Ld. Court of Sessions Judge. Petitioner is named in the F.I.R. There is allegation against the petitioner that when informant returning from Pali Bazar to his home after purchasing household articles then near Navtol petitioner with some others persons forcefully boarded him on motorcycle and dropped him in the road near Mungra Archar gachi and taken away his gold chain, ring, watch and cash Rs. 5000/- and assaulted him due to which he received injury. Xerox copy of the case diary is available on the record in which sufficient material available. Case is under investigation. In such facts and above circumstances I am not inclined to grant bail to the petitioner, therefore the prayer for bail of the accused **1. Vikram Jha @ Vikram Kumar Jha** is hereby and he is sent to the Sub-Divisional jail, Benipur till 23.12.2019.

O/C is directed to issue custody warrant against him.

(Dictated)

S.D.J.M., Biraul