

COURT OF SESSIONS JUDGE, NALANDA AT BIHARSHARIF

B.P. No. 1465 / 2022

Bali Ram Kumar Vs. The State of Bihar

03.11.2022

Bail petition has been filed on behalf of petitioner, Bali Ram Kumar, who is in judicial custody since 07.07.2022 in connection with Nalanda P.S. Case No. 120/2022 registered for the offences punishable u/s. 392 of the I.P.C..

The prosecution case, in brief, is that informant Banti Paswan gave a written petition to the S.H.O. of Nalanda P.S., alleging therein that on 09.06.2022 at about 09:10 P.M., the informant was standing with Tempu at Devisarai turning, at that time, two persons came to him and asked about fare to go Nalanda. After conversation, they fixed fare for hiring the tempoo went to Nalanda More and again, added some fare and hired the tempoo for Silao. They reached Niyama Nagar more where two persons came with motorcycle and dashed with informant's tempoo. Thereafter, they started abusing and assaulting the informant and the person seated behind the motorcycle pointed pistol and all of them threatened to go away the informant and snatched the tempoo. On these facts, Nalanda P.S. Case No. 120/2022 was registered against four unknown persons.

Heard learned counsel Sri Rajendra Prasad-II for the petitioner as well as learned P.P. Mr. Quaisar Imam on behalf of the State. Learned counsel Sir Mithlesh Kumar also appeared on behalf of informant.

Learned counsel for the petitioner has submitted that the petitioner is innocent, has committed no offence and he has been falsely implicated in this case. He further submitted that the petitioner is not named in the F.I.R.. Nothing has been recovered from the possession of the petitioner. The petitioner denied the allegation as made in the F.I.R.. He further submitted that co-accused Golu Kumar has been granted bail vide B.P. No. 1430/2022 on 30.09.2022 by this Court and the case of the petitioner stands on similar footing. Compromise petition has also been filed in this Court. He further submitted that the petitioner is an accused in Nalanda P.S. Case No. 128/2022 and Nalanda P.S. Case No. 26/2022. He further submitted that the petitioner has been remanded in the present case from Nalanda P.S. Case No. 128/2022 on 07.07.2022, since then the petitioner has been rotting in judicial custody. Hence, the petitioner be granted bail.

Learned Public Prosecutor opposed the prayer of bail of the petitioner.

Heard and perused the case record. From perusal of the case record, it transpires that F.I.R. has been lodged against unknown. Name of the petitioner has

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come in the confessional statement of co-accused Raushan Kumar which is mentioned in Para 43 of the Case Diary. Petitioner has been remanded in this case from Nalanda P.S. Case No. 128/2022. All the witnesses have supported the prosecution in their statement in Para 2, 3, 4 of the Case Diary. Charge-sheet has been submitted for the offence u/s. 395, 411 and 412 of the I.P.C.. The looted autorickshaw was recovered on the disclosure of the petitioner. The allegation is serious in nature.

So, considering the nature of allegations, I do not find proper to grant him bail. Hence, prayer for bail of the accused petitioner is hereby **rejected**.

(Dictated & corrected)



(Hasmuddin Ansari)

Sessions Judge, Nalanda,
Biharsharif.