

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26424 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -TURKAULIYA District- EAST
CHAMPARAN(MOTIHARI)

1. Surendra Rai S/o Hira Rai

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.27428 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -TURKAULIYA District- EAST
CHAMPARAN(MOTIHARI)

1. Ravi S/o Chathu Sahani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.27921 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -TURKAULIYA District- EAST
CHAMPARAN(MOTIHARI)

1. Sonelal @ Sonalal @ Sonelal Rai @ Sona Lal Rai Son of Shankar Rai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.32063 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -TURKAULIYA District- EAST
CHAMPARAN(MOTIHARI)

1. Gajendra Sahani @ Gajendra S/o Sunar Sahani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.26424 of 2014)

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. A.A.Khan (App)

(In Cr.Misc. No.27428 of 2014)

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Md. Fahimuddin (App)

(In Cr.Misc. No.27921 of 2014)

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : M/s. Shahin Begum(App)

(In Cr.Misc. No.32063 of 2014)

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA****ORAL ORDER**

3 09-01-2015

All the above stated four petitions are taken together

for hearing as all the above stated petitions have arisen out of Turkaulia (Banjaria) P.S. Case No. 04 of 2014 initially registered for the offence punishable under Section 395 of the Indian Penal Code but later on, Section 412 of the Indian Penal Code was also added and accordingly, all the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No. 27921 of 2014 was caught at the spot just after the alleged dacoity and disclosed the name of



his associates. Furthermore, the name of petitioner in Cr. Misc. No. 27428 of 2014 as well as petitioner in Cr. Misc. No. 32063 of 2014 came to the notice of informant on the basis of conversations of the culprits. In course of investigation, the raids were made but nothing was recovered from the house of the petitioner in Cr. Misc. No. 26424 of 2014 nor the aforesaid petitioner carries criminal antecedent. So far as petitioner in Cr. Misc. No. 27428 of 2014 is concerned, his house was raided and some cash as well as original voter identity card of the informant and some other articles were recovered from his house. Similarly, petitioner in Cr. Misc. No. 32063 of 2014 was caught along with co-accused, Mukesh Sahni and when he was searched one purse was recovered in which some cash and photostat copy of voter identity card of informant of the present case was found.

Learned counsel appearing for the petitioner in Cr. Misc. No. 27921 of 2014 submits that according to prosecution case, petitioner was caught at the spot but nothing was recovered from conscious possession of the petitioner and, therefore, the aforesaid fact goes to show that above stated petitioner has falsely been implicated in this case. He further submits that petitioner does not have any criminal antecedent.

It is obvious from perusal of the record that the

petitioner in Cr. Misc. No. 27921 of 2014 was caught at the spot just after the alleged occurrence and disclosed the name of his associates but admittedly, except the aforesaid confessional statement of co-accused, Sonelal @ Sona Lal Rai, there is nothing against the petitioner in Cr. Misc. No. 26424 of 2014 and the aforesaid petitioner is a man of clean antecedent.

Similarly, I find that except the confessional statement of co-accused, Sonelal @ Sona Lal Rai as well as recovery of photostat copy of voter identity card of informant from possession of petitioner in Cr. Misc. No. 32063 of 2014 as well as his some antecedent, there is nothing against him.

So far as petitioner in Cr. Misc. No. 27428 of 2014 is concerned, he carries criminal antecedent of several cases and original voter identity card of informant as well as other articles have been recovered from his conscious possession and moreover, he has given wrong information at para 3 to this petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner in Cr. Misc. No. 26424 of 2014, namely, Surendra Rai and petitioner in Cr. Misc. No. 32063 of 2014, namely, Gajendra Sahani @ Gajendra are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount

each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkaulia (Banjaria) P.S. Case No. 04 of 2014.

So far as the prayer for bail of the petitioners in rest two petitions is concerned, the same stands rejected.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--