

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27129 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

Bhuntun Rai @ Bhantu Rai S/o Vishwanath Rai Resident of Village
Molnapur, P.S. Rajepur, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

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with

Criminal Miscellaneous No.28087 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Sushil Kumar Patel @ Sushil Kumar @ Sushil Patel Son of Ram Trith
Patel @ Ram Krit Patel Resident of Village-Krisnagar, P.S.-Madhuban,
District-East Champaran at Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.30500 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sita Ram Rai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party.

=====

with

Criminal Miscellaneous No.30882 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

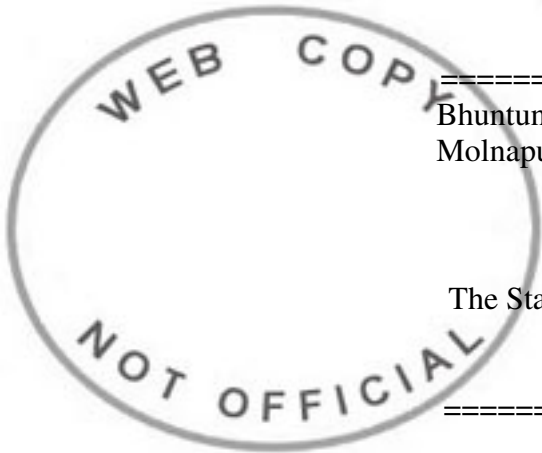
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Birbahadur Sah @ Nanhaki Son of Kodai Sah Resident of village- Shankar
Saraiya, Police Station- Turkauliya, Dist.- East Champaran

.... Petitioner

Versus

1. The State of Bihar



.... Opposite Party

Appearance :

(In Cr.Misc. No.27129 of 2014)

For the Petitioner : Mr. Sanjay Kumar, Advocate.
For the informant : Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Parmeshwar Mehta, A.P.P.

(In Cr.Misc. No.28087 of 2014)

For the Petitioner : Mr. Vinod Gautam, Advocate.
For the informant : Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Ganesh Pd. Singh, A.P.P.

(In Cr.Misc. No.30500 of 2014)

For the Petitioner : Mr. Sanjay Kumar, Advocate.
For the informant : Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Parmeshwar Mehta, A.P.P.

(In Cr.Misc. No.30882 of 2014)

For the Petitioner : Mr. Dhurendra Kumar, Advocate.
For the informant : Mr. Rajesh Ranjan, Advocate.
For the State : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

6 29-07-2015 Heard learned counsel for the petitioners, learned counsel
for the informant as well as learned counsel for the State.

Four bail petitions are being heard together and disposed
of by common order as four cases arise in connection with
Sangrampur P.S. Case No. 02 of 2014 registered for offence under
Section 395 of the Indian Penal Code and Section 3/4 of Explosive
Substance Act, though, F.I.R. against unknown.

However, allegation against the petitioner, namely,
Bhantan Rai @ Bhantu Rai in Cr. Misc. No. 27129 of 2014, it is
stated in paragraph 84 of the case diary that there is mentioned
that some articles were recovered alleged to be looted articles from
possession of Bhuntun Rai and seizure list was prepared. In

paragraph 137 of the case diary shows that T.I.parade was conducted of looted articles and the informant has identified the same.

Allegation against the petitioner, namely, Birbahadur Sah @ Nanhaki in Cr. Misc. No. 30882 of 2014, it is stated that in paragraph 92 of the case diary shows some articles were recovered from the possession of Birbahadur Sah for which seizure list was prepared and same was also put on T.I. parade and the same was identified by the informant as looted articles in the dacoity.

However, it is submitted that one of the co-accused Brij Rai from whose possession articles were recovered has been granted bail by this Court in Cr.Misc. No. 36641 of 2014 by order dated 26.09.2014 and hence on purity the bail be granted. However, from perusal of the order, it appears that bail granted on consideration on submission that there is neither any recovery nor identification and hence the order passed on wrong consideration as paragraph 81 of case diary there is material to suggest recovery of looted articles and paragraph 137 indicates article having been identified in T.I. Parade. Hence issue notice to Brij Rai in Cr.Misc.No. 36641 of 2014 to show cause why the bail granted by order dated 26.09.2014 in Cr.Misc.No. 36641 of 2014 be not cancelled.

The bail petitions of petitioners, Bhuntun Rai and Birbahadur Sah is rejected.

So far case of the petitioner, namely, Sushil Kumar Patel @ Sushil Kumar @ Sushil Patel is concerned, there is recovery of mobile. However, there is not mentioned whether this mobile was involved in any dacoity, though, it is submitted that location of mobile calls at the place of occurrence and at the time of occurrence and there was some conversation. However, it is only suspicion and except that there is nothing against him.

Having regard to the fact and circumstance of the case, the petitioner, namely, Sushil Kumar Patel @ Sushil Kumar @ Sushil Patel, in Cr.Misc No. 28087 of 2014 is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.K.Mishra, Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran in connection with Sangrampur P.S. Case No. 02 of 2014.

So far petitioner, namely, Sita Ram Rai in Cr.Misc. No. 30500 of 2014 is concerned, it is stated that at the place of occurrence one A.T.M. withdrawal slip was found and from the C.C. Footage regarding withdrawal of money by the A.T.M. on the score of that slip and C.C. Footage shows that the person who

withdraw the amount his face is tally and found to be similar of Sita Ram Rai. However, the said withdrawal slip is not connected with the occurrence, but it is only presumptions that since withdrawal slip found fallen at the place of occurrence and hence petitioner may have been there. Mere fallen of A.T.M. slip does not show it has fallen from this petitioner during course of dacoity.

Having regard to the fact and circumstance of the case, the petitioner, namely, Sita Ram Rai in Cr.Misc. No. 30500 of 2014 is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri D. Kumar, Judicial Magistrate 1st Class, East Champaran, Motihari, in connection with Sangrampur P.S. Case No. 02 of 2014.

m.p.

(Gopal Prasad, J)

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