

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36897 of 2014

Arising Out of PS.Case No. -21 Year- 2012 Thana -BELSAND District- SITAMARHI

Santosh Jha @ Santosh Kumar Jha, son of Chandrasehkhar Jha, resident of village-Dostiya, P.S. Puranhia, District Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45434 of 2014

Arising Out of PS.Case No. -21 Year- 2012 Thana -BELSAND District- SITAMARHI

1. Chiranjivi Sagar @ Chiranjivi Bhagat S/O Sri Bindeshwari Bhagat R/O Village- Hajpurwa, P.S. Runni Saidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36897 of 2014)

For the Petitioner/s : Dr. Amrendra Kumar, Adv.
Md. Anisur Rahman, Adv.

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

(In Cr.Misc. No.45434 of 2014)

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Ms. Gulnar Begum(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

9 01-09-2015 Cr. Misc. No. 36897 of 2014 as well as Cr. Misc. No. 45434 of 2014 are taken together as both the above stated petitions have arisen out of Belsand P.S. Case No. 21 of 2012 registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code and 27 of the Arms Act and accordingly, both 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.

Petitioners are not named in the first information report but in ferdbeyan, the informant specifically stated that the alleged occurrence was committed by the members of gang of Santosh Jha, who happens to be petitioner in Cr. Misc. No. 36897 of 2014 and carries criminal antecedent of near about 26 cases. In course of investigation, the informant stated that prior to the alleged occurrence, the general manager of his company had disclosed that a call of extortion had been made by the members of gang of the petitioner in Cr. Misc. No. 36897 of 2014.

So far as petitioner in Cr. Misc. No. 45434 of 2014 is concerned, he carries criminal antecedent of four cases but it appears that except confessional statement of co-accused as well as aforesaid petitioner, there appears to be nothing against him. No doubt, the petitioner in Cr. Misc. No. 45434 of 2014 is said to be member of gang of Santosh Jha but having more or less similar allegation, co-accused, Guddu Jha has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 19.10.2012 passed in Cr. Misc. No. 39100 of 2012.

In view of the aforesaid facts and circumstances, the prayer for bail of petitioner in Cr. Misc. No. 45434 of 2014 is

allowed and it is ordered that petitioner, Chiranjivi Sagar @ Chiranjivi Bhagat be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Belsand P.S. Case No. 21 of 2012.

So far as prayer for bail of petitioner in Cr. Misc. No. 36897 of 2014 is concerned, his prayer for bail stands rejected.

However, learned trial court is directed to expedite the trial of the petitioner and try to conclude the same as early as possible. The concerned Superintendent of Police shall give full cooperation to trial court in production of prosecution witnesses as well as production of above stated petitioner before the trial court as it has been informed that presently, the petitioner in Cr. Misc. No. 36897 of 2014 has been lodged in Gaya Central Jail.

(Hemant Kumar Srivastava, J)

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