

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13034 of 2015

Arising Out of PS.Case No. -592 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

Shambhu Nath Verma @ Shambhu Nath Swarnkar Son of Late Sideshwar Prasad Verma, resident of Village- Chouk Bazar, P.S.- Silao, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.15655 of 2015

Arising Out of PS.Case No. -592 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

Bimla Devi wife of Sanjay Paswan R/o Village Pawai P.S Sirdla Mascore, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.13034 of 2015)

For the Petitioner/s : Mr.Dinu Kumar, Advocate
Mr. Shiv Kumar Prabhakar, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

(In Cr.Misc. No.15655 of 2015)

For the Petitioner/s : Mr. Ajay Thakur, Advocate
Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. S.N.Shukla, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 27-05-2015 Since both the aforesaid bail applications arise out of a common police station case, they have been heard together and are being disposed of by this common order.

Heard the parties.

The petitioners of both the bail applications seek bail in a criminal prosecution registered under Section 395 of the Indian Penal Code in which on close of investigation chargesheet has been submitted for offences under Section 395, 412 and 120B

of the Indian Penal Code against ten accused persons including the petitioners.

The first information report vide Annexure-1 has been lodged by the Branch Manager of Manpuran Gold Loan, Finance Limited, Civil Lines, Ara. According to prosecution case, six unknown miscreants entered into the aforesaid Branch of the Finance Company and at the point of pistol, they committed dacoity in the said Branch of the Finance Company and looted away 14 Kgs. and 980 grams of gold as also Rs.2,28,500/- in cash. The miscreants are further alleged to have looted various other articles including PAN Cards, ATM Cards, Voter ID of Staff and other persons present in the Branch office of the Finance Company.

Learned counsel appearing on behalf of the petitioners of both the applications submits that the petitioners are not named in the first information report vide Annexure-1 and even according to prosecution case, they are not alleged to have participated in the commission of crime of dacoity in the office of the Finance Company Limited. However, according to them, certain gold or gold related articles/jewellery have been seized either from the house or from the shop but that cannot not be said to the looted articles. The petitioner Shambhuth Nath Verma alias Shambhu Nath Swarnkar is said to be in custody since 08.01.2015 whereas petitioner Bimla Devi is said to be in judicial custody since 18.02.2015.

Learned APP appearing on behalf of the State has strongly opposed the prayer for bail of the petitioners. According to him, dacoity was committed in the Branch office of the Finance Limited Company and huge quantity of gold, jewellery, cash

besides other articles were looted by the miscreants. It is also pointed out that the petitioner Shambhu Nath Verma alias Shambhu Nath Swarnkar made confession before the police and one more co-accused has confessed before the police showing involvement of the petitioners in the crime in question. It is also pointed out that the huge quantity of jewellery or gold related materials have been seized either from their houses or their shops and some of the articles were put on TIP and identified by the witnesses.

After having heard the parties and taking into consideration the aforesaid submissions and other materials on record, this Court is not inclined to accede to the prayer made on behalf of the petitioners for grant of bail at this stage primarily on the ground that a prima facie case under Section 412 of the Indian Penal Code is made out against the petitioners. Accordingly, their prayer for bail in connection with Ara Nawada P.S.Case No. 592 of 2014 pending in the Court of Chief Judicial Magistrate, Bhojpur at Arrah is rejected.

Learned Chief Judicial Magistrate, Bhojpur at Arrah who is in seisin of the case, is directed to commit the case of the petitioners to the court of sessions, if not already committed. On such commitment, the trial of the petitioners shall be expedited. However, if the trial of the petitioners does not progress and is not concluded within a reasonable period, then the petitioners shall be at liberty to renew their prayer for bail.

(Birendra Prasad Verma, J)

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