

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24133 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- RAJPUR District- Rohtas

1. Kalicharan Musahar , aged about – 29 Years, Male, Son of Fajihat Musahar
2. Ram Pyare Musahar, aged about – 39 years, Male, Son of Siyaram Musahar
Both are Resident of Village- Tendu Bahar, Police Station - Rajpur, District-
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-09-2020 Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioners and Mr. Chandrasen Prasad Singh,
learned Additional Public Prosecutor appearing for the State
through video conferencing.

Petitioners seek regular bail in connection with S. Tr.
No. 351 of 2019 arising out of Rajpur P.S. Case No. 27 of 2019
registered for the offence punishable under Section 395 of the
Indian Penal Code, 1860 .

The allegation against the petitioners as per the First
Information report is that 7-8 persons entered into the rice mill
of the informant and took away Rs. 25,100/- along with 10
quintals of rice.



Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have been implicated in this case on the basis of the confessional statement of the co-accused. Learned counsel further submits that no incriminating article has been recovered from the possession of the petitioners and the petitioners are not named in the F.I.R. and are having no criminal antecedent. Learned counsel further submits that petitioners were not put on T.I.P also during the investigation and the Police after investigation has submitted charge sheet and charges have been framed against the petitioners in the present case also. Learned counsel referring to Annexure -2 to this bail application submits that similarly situated co-accused have been granted bail by this court in Cr. Misc. No. 58003 of 2019 and the petitioners are in custody since 09.04.2019 and 09.03.2019 respectively.

Having regard to the submissions made by the parties, taking into consideration the materials available on record, the fact that similarly situated co-accused have been granted bail by this court and the petitioners are in custody since 09.04.2019 and 09.03.2019 respectively , I am inclined to grant regular bail to the petitioners.



Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge XV Rohtas at Sasaram / court concerned in connection with S. Tr. No. 351 of 2019 arising out of Rajpur P.S. Case No. 27 of 2019 on the following condition:-

(i) that the petitioners shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioners, their bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

praful/-

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

