

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9263 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- PATEPUR District- Vaishali

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Ramesh Kumar Sahani S/O Fula Sahani @ Phulbabu Sahani @ Phulo Sahani
Reident Of Village- Khesrahi, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 18320 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- PATEPUR District- Vaishali

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Chandan Kumar @ Vikki Raj @ Chandan Paswan Son of Veera Paswan
Resident of Village - Paharpur, Police Station - Beligaon, District - Vaishali
(Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 9263 of 2022)

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 18320 of 2022)

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Patepur P.S. Case No. 52 of 2021 registered for



the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, four unknown miscreants on two motor-cycles robbed the informant and one Awadhesh Kumar of Rs. 58,518/- and Rs. 36,960/-, respectively along with other articles at the gunpoint. The name of the petitioners transpired during investigation as the accused persons involved in this robbery.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. The petitioners have been named on the basis of their confessional statement. Nothing incriminating has been recovered from the possession of the petitioners. The motorcycle said to be used in the robbery has been recovered from the possession of co-accused Sanoj Sahani. The petitioners have not been put to any Test Identification Parade. The petitioners are in custody since 20.11.2021 and charge-sheet has been submitted.

Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that after the confessional statement of the petitioners was recorded and at their instance recovery of the motorcycle used in the robbery



along with a tab was made from the house of the co-accused Sanoj Sahani. Learned APP further submits that from the bed of the petitioner Chandan Paswan recovery of 25,810 and ID-card of one Santosh Kumar have been made. Recovery of black colour motorcycle used in the robbery have also been made from the houses of this petitioner. The petitioners are habitual offenders and are accused in number of cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that recovery of incriminating articles have been made from the possession of the petitioner no.2 **Chandan Paswan**, I am not inclined to enlarge the petitioner no.2 **Chandan Paswan** on bail.

Hence, the prayer for bail of petitioner no.2 **Chandan Paswan** is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner no. 1 **Ramesh Kumar Sahani** and also considering his period of



custody along with the submission of charge-sheet, the petitioner no. 1 **Ramesh Kumar Sahani** is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 52 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner no.1.
- (ii) The petitioner no.1 will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner no.1 will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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