

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15147 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- DERNI BAZAR District- Saran

Jyotish Kumar, Son of Raju Choudhary, Resident of Village - Barbatta, P.S.-
Sonepur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16653 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- DERNI BAZAR District- Saran

Ranjeet Mahto @ Bhim Kumar, S/O Ramji Mahato @ Ramaji Mahto,
Resident Of Village- Barbatta, P.S.- Sonepur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15147 of 2022)

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 16653 of 2022)

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Since both the applications arise out of Derni P.S.

Case No. 113 of 2021, as such, they have been heard together

and are being disposed of by this common order.

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 from the date of resumption of physical filing and physical removal of defect including the correction in the name of the police station.

In the present case, the petitioners seek bail in connection with Derni P.S. Case No. 113 of 2021 registered for the alleged offences under Sections 457 and 380 of the Indian Penal Code.

As per prosecution case, unknown thieves committed theft in the house of the informant and also in the house of his neighbor in the night and they took a large number of jewellery of gold and silver and cash of Rs. 2,15,000/- and a mobile phone. The names of the petitioners transpired during investigation as the persons who committed theft.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. They are not named in the FIR and nothing incriminating has been recovered from their conscious possession. The petitioner Ranjeet Mahto was arrested on suspicion and his signature was taken on blank paper and a confessional statement was prepared and the petitioner Jyotish Kumar was named as accomplice in the said confessional statement. After arresting the petitioners in this case, they have



been made accused in 12 such cases of similar nature. Otherwise, there is nothing of any substance on record against the petitioners. Charge-sheet has been submitted in this case and the petitioners are in custody since 01.08.2021.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders and they committed theft in dwelling houses in the night.

Having regard to the submissions made hereinabove and further considering the submission of charge-sheet against the petitioners and the period of their custody and notwithstanding the criminal antecedent of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Saran at Chapra in connection with Derni P.S. Case No. 113 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the persons, who



have sworn the affidavit in the bail petitions.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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