

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16655 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

RANJAN KUMAR Son of Late Surendra Yadav Resident of village - Barhani
Tola, P.S.- Siwan Muffasil, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3630 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

PRAVEEN KUMAR @ DEEPU SON OF OMPRAKASH BIHARI R/O
VILLAGE- TILSANDI (512), P.S.- BARHARIYA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5223 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

GEYANENDRA PRATAP SINGH @ ANKIT SINGH S/O AKHLIESH
KUMAR SINGH RESIDENT OF VILLAGE- JANPIRHA, P.S. BANAKTA,
DISTRICT- DEORIA (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7055 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

RAJU RAI SON OF LATE RAM NARAYAN RAY R/O VILLAGE-
MIRJAPUR, P.S.- HATHUWA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 7892 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

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SRI BHAGWAN YADAV @BHAGWANYADAV SON OF MANI RAJ
CHAUDHARI RESIDENT OF VILLAGE- JEIYAN, P.S- MUFASSIL, DIST-
SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 15557 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

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MANISH KUMAR YADAV @ MANISH KUMAR S/o Lallan Chaudhary
R/o village- Bhagwan Tola, P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 16586 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

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KUNDAN KUMAR @ RAVI S/O ISHWAR DAYAL SINGH RESIDENT OF
VILLAGE- RAMNAGAR, P.O.- ALMORI, P.S.- SIWAN, DISTRICT-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 18697 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

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SONU KUMAR Son of Om Prakash Sah Resident of village - Bhada Khurda,
P.S.- Siwan Muffasil, Dist.- Siwan



... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21565 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

SANDEEP KUMAR S/o Bhagwan Yadav Resident of Village - Jiyain, P.O.-
Jiyain, P.S. - Siwan Muffasil, District - Siwan.

... .. Petitioner/s
Versus
THE STATE OF BIHAR
... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16655 of 2022)
For the Petitioner/s : Mr. Y. C. Verma, Senior Advocate
Ms. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 3630 of 2022)
For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. Rajiv Nayan
(In CRIMINAL MISCELLANEOUS No. 5223 of 2022)
For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Ram Anurag Singh
(In CRIMINAL MISCELLANEOUS No. 7055 of 2022)
For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Ram Anurag Singh
(In CRIMINAL MISCELLANEOUS No. 7892 of 2022)
For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. Satya Nand Shukla
(In CRIMINAL MISCELLANEOUS No. 15557 of 2022)
For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Mohammad Sufyan
(In CRIMINAL MISCELLANEOUS No. 16586 of 2022)
For the Petitioner/s : Mr. Suman Kumar Verma
For the Opposite Party/s : Mr. Brajendra Nath Pandey
(In CRIMINAL MISCELLANEOUS No. 18697 of 2022)
For the Petitioner/s : Mr. Kumari Anupam
For the Opposite Party/s : Mr. Arun Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 21565 of 2022)
For the Petitioner/s : Mr. Dhananjay Kumar Shahi
For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-08-2022

IN CR. MISC. NO. 16655 OF 2022



Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned senior counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar. It is further submitted that the petitioner was kept in illegal custody for 07 (seven) days and no recovery was made from the conscious physical possession of the petitioner, for which, a complaint has been filed on behalf of the mother of



petitioner before Learned C.J.M., Siwan. It also submitted that alleged recovery of jewellery of total 104.2 gm was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. Learned senior counsel further emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not put on TIP, as yet.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP to connect the petitioner with the present set of dacoity, who is a man of clean antecedent coupled with the fact that charge-sheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 3630 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.



The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and is owner of the medical shop, where, name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar. It also submitted that alleged recovery of jewellery total of 20.100 gm was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is further submitted that the petitioner is running a medical shop and seized jewellery belongs to the mother of the petitioner. It is also submitted that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-



sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not put on TIP, as yet.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP, as yet to connect the petitioner with the present set of dacoity, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 5223 OF 2022



Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.09.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sonu Kumar. It is also submitted that nothing has been recovered from the conscious physical possession of the petitioner. It is also submitted that petitioner was never put on TIP to connect him, *prima-facie*, with the present set of dacoity. Learned senior counsel further



submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and nothing incriminating was recovered from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as no incriminating material has been recovered from conscious physical possession of the petitioner, to connect him with the present set of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition."

IN CR. MISC. NO. 7055 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner has been falsely implicated



in the present case on the basis of suspicion. It also submitted that alleged recovery of total jewellery of 68.300gm was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not put on TIP, as yet.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP to connect the petitioner with the present set of dacoity, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released



on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 7892 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Nagar P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit



dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned senior counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar and implicated for the reason that the petitioner is father of Sandeep Kumar. It also submitted alleged recovery of 84 gms of gold made jewellery was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. Learned counsel further emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly



conceded the fact that petitioner is not named in the FIR and recovered jewellery was not subjected to TIP.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP, as yet to connect the petitioner with the present set of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Nagar P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 15557 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.



The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 01.12.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the FIR and has been falsely implicated in the present case, on the basis of suspicion. It is also submitted that recovery of alleged jewellery was not made from conscious physical possession of the petitioner, rather same recovered from Kanhaiya Kumar, as per seizure list, where at the time of recovery, incidentally, the petitioner was in the house. Learned counsel further emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that



seizure list is not supported by independent witnesses, and as such, appears doubtful. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not put on TIP, as yet.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP, as yet to connect the petitioner with the present set of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors shall be the deponent of the present bail petition."

IN CR. MISC. NO. 16586 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar. It also submitted alleged recovery of total jewellery of 33.38 gm was made from the



house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It also submitted alleged recovery of jewellery was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. Learned counsel further emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not subjected to TIP.

Considering the facts and circumstances as mentioned



above, as recovered jewellery, was not put on TIP, as yet to connect the petitioner with the present set of dacoity, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 18697 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the



Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.09.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar. It also submitted alleged recovery of jewellery was not made from conscious physical possession of the petitioner. Learned counsel petitioner was never put on TIP to connect the petitioner, *prima-facie*, with the present set of dacoity. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly



conceded the fact that petitioner is not named in the FIR and recovered jewellery was not subjected to TIP.

Considering the facts and circumstances as mentioned above, as recovery of jewellery was not made from conscious physical possession of the petitioner, petitioner was not put on TIP, as yet to connect him with the present set of dacoity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

IN CR. MISC. NO. 21565 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 502 of 2021 registered for the offence under Sections 395/397 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit dacoity along with other co-accused persons and while committing so taken away golden jewellery from the shop of the informant, having total value of Rs. 4,00,00,000/- (Rupees Four Crore).

Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is not named and has been falsely implicated in the present case, on the basis of suspicion. It also submitted alleged recovery of total 440.02 gm jewellery was made from the house of the petitioner, which is jointly occupied by the family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. Learned counsel further emphasized that the recovered jewellery was never put on TIP to connect the petitioner, *prima-facie*, with



the present set of dacoity. It is also submitted that the seizure list is also doubtful, as the list of recovered items from petitioner also shown as recovered from the father of the petitioner. Learned senior counsel further submitted that seizure list is not supported by independent witnesses, and as such, appears doubtful. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR and recovered jewellery was not subjected to TIP.

Considering the facts and circumstances as mentioned above, as recovered jewellery, was not put on TIP, as yet to connect the petitioner with the present set of dacoity, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-III, Siwan/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the



similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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