

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24142 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- BALIYA District- Begusarai

Gajan Kumar @ Monu Kumar Son Of Hare Ram Paswan R/O Village-
Bhagalpur, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33683 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- BALIYA District- Begusarai

Rajan Paswan S/o Pandit Paswan Resident of Village- Bhagatpur, P.S.- Ballia,
District- Beusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35228 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- BALIYA District- Begusarai

Golu Kumar Son of Late Hareram Chaudhary @ Late Hareram Choudhary
Resident of Village - Bhagatpur, P.s.- Ballia, Distt.- Begusarai.



... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 24142 of 2022)

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Upendra Kumar APP

(In CRIMINAL MISCELLANEOUS No. 33683 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Ms. Rita Verma

(In CRIMINAL MISCELLANEOUS No. 35228 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 14-09-2022 Learned counsel for the petitioner, Mr. Sandip Kumar Gautam seeks permission to make necessary correction in paragraph no. 14 of Cr. Misc. No. 33683 of 2022 regarding the date of custody of the petitioner, which is inadvertently mentioned as 24.02.2021 instead of 24.12.2021.

Permission is accorded.

Let necessary correction be made in paragraph no. 14 of the Cr. Misc. No. 33683 of 2022, during the course of



the day.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Ballia P.S. Case No 364 of 2021, registered for the offences punishable under Sections 394/34 of the Indian Penal Code.

As per prosecution case, emerging from the FIR, a case has been lodged against unknown persons under Section 394 of the Indian Penal Code for alleged robbery.

The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. They are not named in the FIR nor were arrested on the spot. He also submits that nothing has been recovered from the conscious possession of the petitioners, nor TIP has been conducted. The only material against them, as per the police, is confessional statement of co-accused, in which name of the these petitioners transpired. There is no other material in case diary to connect the petitioners with the alleged offence.



The petitioners of Cr. Misc. Nos. 33683 and 24142 of 2022 have been languishing in jail since 24.12.2021, whereas the petitioner of Cr. Misc. No. 35228 of 2022 has been languishing in jail since 24.02.2022.

It is also stated in paragraph no. 2 of all the petitions that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

The petitioners of Cr. Misc. Nos. 24142 and 35228 of 2022 have no criminal antecedents, whereas, petitioner of Cr. Misc. No. 33683 of 2022 has earlier been made accused in one more case, namely, Sahebpur Kamal P.S. Case No. 208 of 2021.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. C.J.M., Begusarai,



in connection with Ballia P.S. Case No 364 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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