

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34749 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- BELA District- Sitamarhi

-
1. BHOLA SAH @ SAMBHU SAH S/o Late Yugal Sah @ Jugal Sah R/o village- Basatpur, Ward No. 07, P.S.- Srinagar, District- Sarlahi (Nepal)
 2. Sachindra Kumar Yadav S/o Phakira Rai @ Phakira R/o village- Basatpur, Ward No. 08, P.S.- Srinagar, District- Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bela P.S. Case No. 225/2021 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act and ¾ of the Explosive Substance Act 1908.

As per prosecution case, on 02.12.2022, miscreants carrying arms entered into the informant's house and took away Rs.3 lac, golden ornaments, mobile phone and other materials. One of them was apprehended by Chowkidar but he managed to flee away while exploding bomb.



Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case only on suspicion. The petitioners are not named in the FIR. The petitioners have been arrested in Sursand P.S. Case No. 561/2021 and thereafter one by one they remanded in seven another cases without any substantive material available on record. The petitioners are languishing in custody since 15.02.2022 and bear criminal antecedent of 07 cases. No incriminating article has been recovered from the conscious possessions or the house of the petitioners. The petitioners have no concern with the alleged occurrence. The petitioners have been made accused in this case only on the basis of co called confessional statement before the police. Learned counsel for the petitioners further submits that no T.I. Parade has been conducted up till now. From perusal of the FIR, it appears that FIR has been lodged against unknown 20 persons. Except confessional statement there is nothing on record to demonstrate the complicity of the petitioners. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners are not named in the FIR, charge



sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (Sadar), Sitamarhi, in connection with Bela P.S. Case No. 225/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

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

