

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22862 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- RANIGANJ District- Araria

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RAMESH YADAV @ RAMESH KUMAR YADAV Shree Maheshwar Yadav
@ Maheshwari Yadav Resident of Village - Dhima, P.O.- Dhima, Ward No.-
17, P.S.- Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35445 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- RANIGANJ District- Araria

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Mithlesh Kumar @ Mitthu Yadav S/O Jagat Nr. Yadav R/O Village-
Gharbandga, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 22862 of 2022)

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

(In CRIMINAL MISCELLANEOUS No. 35445 of 2022)

For the Petitioner/s : Mr. Vishwajeet Singh, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 19-10-2022 Learned counsel for the petitioners is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

With the consent of the learned counsels for the

parties, both the matters are being heard together and disposed

of by the present common order.



Heard Mr. Gopal Kumar Jha and Mr. Vishwajeet Singh, learned counsels for the petitioners as well as Mr. Nawal Kishore Prasad and Mr. Narsingh Tanti, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Raniganj P. S. Case No. 121 of 2021 registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the informant was returning to Forbesganj after collecting Rs. 1,50,000/- from different retailers, in the meantime, four persons came on two motorcycles and over took his moped bike and surrounded him. On the point of pistol, they forcibly tried to snatch his bag containing the money, which was protested by the informant, thereupon, the miscreants shot fire on his thigh and below the knee of his left leg and fled away with the money.

Learned counsels appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it would be evident that the informant himself disclosed that the miscreants were covered their faces with masks and as such, he could not identify them. Admittedly, the F.I.R. has been



instituted against four unknown persons, however, during the course of investigation, only on account of some criminal antecedents, the petitioners were remanded in this case from Raniganj P. S. Case No. 130 of 2021 and thereupon, their self confession was recorded before the police. It is also submitted that neither the petitioners were identified nor any incriminating material has been recovered from their persons or possession and save and except the confessional statement, there is no cogent material suggesting the complicity of the petitioners in the present crime. It is further submitted that now the investigation of the crime is already complete and the charge sheet has been submitted, though, the petitioner in Cr. Misc. No. 22862 of 2022 is in custody since 25.01.2022 and the petitioner in Cr. Misc. No. 35445 of 2022 is in custody since 25.12.2021 respectively.

On the other hand, learned APP for the State opposed the bail application and submit that the petitioners have been found involved in various other criminal cases of similar nature, apart from that they confessed their complicity in the crime.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the



petitioners are neither named in the F.I.R. nor any incriminating material has been recovered from their conscious or constructive possession and save and except their confessional statement, there is no material suggesting the complicity of the petitioners in the present crime and moreover, after completion of the investigation, charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VI, Araria in connection with Raniganj P. S. Case No. 121 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will



liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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