

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36809 of 2022

Arising Out of PS. Case No.-1043 Year-2021 Thana- SITAMARHI District- Sitamarhi

Brajesh Bharti, Son of Lalbabu Mahto, R/O Village- Sonbarsa, Ward No.-11,
P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Sitamarhi P.S. Case No. 1043 of 2021,
registered for the alleged offences under Sections 395 and 397
of the Indian Penal Code.

As per prosecution case, sixteen *dacoits* entered into
the house of the informant and looted a number of ornaments of
gold and silver as well as cash of Rs.45,000/-. During
investigation, the name of the petitioner surfaced as one of the
accused persons involved in the crime.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case, though nothing incriminating has been recovered from this petitioner. He has been named in this case on the basis of confessional statement of co-accused person. In fact, the petitioner runs a registered firm in the name of Chandra Enterprises and he lends his vehicle on hire. One of the co-accused persons named the brother of this petitioner who gave the vehicle on hire to the miscreants which was used in committing *dacoity*. But the allegation of use of this vehicle is false and fabricated. The petitioner is in custody since 16.03.2022 and he has been remanded in this case from Bajpatti P.S. Case No. 13 of 2022, again his name came up in the confessional statement of co-accused in that case as well. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the vehicle of the petitioner was used by the co-accused persons in committing *dacoity* and the petitioner is having criminal antecedents.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the nature of allegation and period of custody of the petitioner along with



submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No. 1043 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

