

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50120 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

Ramesh Ram S/O Yogendra Ram @ Yogendra Mochi @ Yogendar Mochi R/o
village- Rasiary, P.S.- Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioner and Shri
Sanjay Kumar, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No. 27 of 2021 instituted for the
offences under Section 396 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 10.02.2021, after having his dinner, he
was sleeping at his house and his friend Munni Chaupal was
sleeping near the door of the house, further at around 12:30 am,
the informant heard some sound and woke up and thereafter
called his friend who was sleeping at the door but when he did



not receive any reply he opened the door and suddenly three accused persons entered and caught hold of the informant and threw him on the bed. It is further alleged that one of the accused assaulted him on his head with an iron rod and another co-accused put a country-made pistol on his head and snatched away the keys of godrej and looted Rs. 50,000/- from the almirah, further the accused persons also committed loot in another room and thereafter fled away from the place of occurrence. It is further alleged that due to darkness, the informant could not identify the accused persons but from the voice he recognised one of the accused, namely, Raushan Khan, accordingly the present F.I.R. was instituted.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., the informant very specifically alleges that though he was not able to identify any of the accused on account of darkness but by voice he recognised one Raushan Khan. It is submitted that Raushan Khan has been granted bail by the learned court below itself by order dated 10.06.2021 in B.P. No. 74 of 2021. It is further submitted that the name of this petitioner transpired based on the information received by the police spy and based on which the CDR of the petitioner was investigated and it was found that



on the date of occurrence, the petitioner's mobile tower location was near the place of occurrence, learned counsel thus submits that apart from suspicion, there is nothing to even remotely connect the petitioner with the offence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.03.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and is not named in the F.I.R., let the petitioner above named be released on bail 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 Chief Judicial Magistrate-III, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 27 of 2021.

(Satyavrat Verma, J)

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