

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53336 of 2021

Arising Out of PS. Case No.-662 Year-2020 Thana- SUGAULI District- East Champaran

Ranjan Kumar Son of Bhikhari Sahni Resident of Village- Dhab Tola,
Kadhiya Police Stastion- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in custody in connection with Sugauli P.S. Case No. 662 of 2020 (G.R. Case No. 9693 of 2020) lodged under Sections 395 and 397 of the Indian Penal Code and after investigation the charge sheet has been submitted under Sections 395, 397, 328, 412 and 120(B) of the Indian Penal Code.

As per the prosecution case, a truck with 500 bags of Sugar while on way from Harinagar to Godda was looted in the Highway near Chhapwa. In the process, the truck driver was assaulted and both the '*Driver*' as well as the '*Khalasi*' were tied to a tree before the accused persons fled away along with



the loaded truck. It was in this circumstances that the FIR against unknown was lodged. The name of the petitioner has come in course of investigation.

A case diary has been received and has been perused by the learned APP for the State.

As per paragraph-15 of the case diary, the confessional statement of Sanjiv Kumar is recorded where he has attributed different role to different persons. A perusal of the same would show that he has named this petitioner as one of the associate. However, about intercepting of the truck and/or tying the '*Driver*' and the '*Cleaner*', the allegation of looting has been attributed to different accused persons and he is found to be one of the associate.

Learned counsel for the petitioner submits that he does not have any criminal antecedent and his name only come up by way of confessional statement of accused, namely, Sanjiv Kumar, who actively participated in the said occurrence has been found during the course of investigation. He lastly submits that he is in jail since 12.06.2021 (as stated in paragraph -12 of the bail application).

Taking into account the aforesaid facts that the charge-sheet stands submitted and the petitioner is in jail since



12.06.2021 having no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli P.S. Case No. 662 of 2020 (G.R. No. 9693 of 2020), subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every day for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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