

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44485 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- HARNAUT District- Nalanda

=====

Aman Kumar Son of Ajit Kumar Singh Resident of Village - Makanpur, P.s.- Bind , Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29537 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- HARNAUT District- Nalanda

=====

Yogendra Mahto @ Ajay Chauhan @ Master Vikram Son Of Late Sudarshan Mahto R/O Village- Khairwa, P.S.- Bhagwanpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44485 of 2022)

For the Petitioner/s : Mr. Nagendra Kumar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 29537 of 2022)

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Harnaut P.S. Case No. 293 of 2021 lodged under Section 395 of

the I.P.C.

As per the prosecution case, on the night of 15/16.07.2021, the informant was sleeping in his house and heard sound inside his house. He claimed to see 5 accused persons entering the house. Upon *halla*, those accused persons caught him hold and tied his hand and leg and thereafter looted jewellerys, gold chain and necklace, etc amounting Rs. 50,000/- Similarly, they have also looted in the same fashion in the room of informant's wife and upon loot, they have also looted to the neighbour of the informant and fled away with the help of a nearby house which is under construction. Informant claimed that he can identify those accused persons further.

Learned counsel for the petitioner of the first case submits that petitioner is innocent and has committed no offence. He submits that the present F.I.R. has been lodged against unknown accused persons and his name has figured in this case by virtue of self-confessional statement. Nothing incriminating has been recovered from his possession. Counsel submits that petitioner is in custody since 10.09.2021. Upon criminal antecedent, counsel submits that there is only one case pending against him.

Learned counsel for the petitioner of second case

submits that petitioner is not named in the F.I.R. Counsel further submits that petitioner is in custody since 27.09.2021, his name has also figured on the confessional statement of one Pappu Kewat. There are in total 11 criminal cases pending against him. He submits that nothing incriminating was recovered against him and he was not put on T.I.P.

Learned counsel for the State opposes the prayer for bail and submits that petitioner of first case has been put on T.I.P. alongwith other accused persons other than the petitioner of second case and he was identified in the T.I.P.

In the present facts and circumstances of this case and the submissions made above, let the bail petition of petitioner of first case is hereby rejected and the bail petition of petitioner of second case is hereby granted on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Biharsharif at Nalanda in connection with Harnaut P.S. Case No. 293 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

However, liberty is hereby granted to the petitioner of first case that he may renew his prayer for bail after 6 months from today, if trial shall not be concluded within said period, the Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial, if left.

With this observation, the bail application of petitioner of first case stands rejected and bail application of petitioner of second case stands allowed.

(Dr. Anshuman, J.)

sadique/-

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