

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44726 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- DANAPUR District- Patna

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SHEIKH RAMJAN @ SHEKH MULDAR @ SHEIKH MUKADAR Son of
Sheikh Rabul Resident of Village - Maharajpur, Mirja chauki, P.s.- Taljhari,
Distt.- Sahebganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushen Kumar Keshri

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Session Trial No. 494 of 2022 arising out of Danapur P.S. Case

No. 65 of 2022 registered for the offences punishable under

Sections 379, 411, 413, 414 of the Indian Penal Code.

As per prosecution case, it is alleged that petitioner

and others were apprehended on spot. On search, one red

coloured bag was recovered from co-accused Gopal Noniya

from which 67 mobiles phones were obtained. Petitioner was

one among them who were apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 28.01.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and he has not committed any offence as alleged against him. Learned counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner so offence under Section 379, 411 and 414 of the I.P.C. is not made out against the petitioner. Co-accused Dhiraj Kumar on similar allegation has already been granted bail vide Cr. Misc. No. 41115 of 2022 by the co-ordinate bench of the court.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused person has already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Sessions Judge-VI, Danapur, Patna in connection with Session Trial No. 494 of 2022 arising out of Danapur P.S. Case No. 65 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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