

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45506 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SANJHOLI District- Rohtas

JITENDRA KUMAR @ JITENDRA YADAV S/O KANHAIYA SINGH @
KANHAIYA YADAV R/o village and P.O.- Masauna, P.S.- Sanjhauli,
District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54630 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SANJHOLI District- Rohtas

GAUTAM TIWARI Son of Ramakant Tiwari Resident of Village - Pipra
Khurd, P.O.- Babhani, P.S.- Kargahar (Karahgar), Distt.- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68373 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SANJHOLI District- Rohtas

VIVEK KUMAR @ MUNNA Son of Surendra Singh @ Surendra Kumar
Resident of Village - Ram Nagar, P.S.- Nokha, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45506 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Garg, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 54630 of 2021)

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 68373 of 2021)

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv.

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



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard Mr. Ashok Kumar Garg, learned counsel for the petitioner in Cr.Misc.No.45506 of 2021, Mr.Pramod Kumar Singh, learned counsel for the petitioner in Cr.Misc.No.54630 of 2021, Mr. Santosh Kumar Pandey, learned counsel for the petitioner in Cr.Misc.No.68373 of 2021 respectively and Mr. Nirmal Kumar Sinha, learned A.P.P. for the State in Cr.Misc.No.45506 of 2021, Mr. Ashok Kumar Singh, learned APP for the State in Cr.Misc.No.54630 of 2021 and Mr.Anil Kumar, learned APP for the State in Cr.Misc.No.68373 of 2021 respectively.

Petitioners in the present case are seeking regular bail in connection with Sanjhauli P.S. Case No.70 of 2020 registered for the offences punishable under Section 395 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 05.03.2021. The petitioner in Cr.Misc.No.45506/2021 has got four criminal antecedent, the petitioner in Cr.Misc.No.54630 of 2021 has got two criminal antecedent and the petitioner in Cr.Misc.No.68373 of 2021 has got four criminal antecedent



respectively.

There is common submission on behalf of the petitioners. It is submitted that the FIR is against unknown, the Maruti Breeza Car and a cash amount of Rs.5,000/- were looted away from the informant on 19.07.2020. After about eight months from the date of the alleged occurrence these petitioners were taken into custody on remand after they were arrested in connection with Mohania P.S. Case No.235/2020.

Learned counsel for the petitioners submit that there is absolutely no material to connect these petitioners in the present case and police has falsely implicated them in this case when even after about eight months the police had not found any clue in connection with the present case.

It is submitted that the petitioner in Cr.Misc.No.45506 of 2021 has got four criminal antecedent and out of four cases he is on bail in three cases, the petitioner in Cr.Misc.No.54630 of 2021 has got two criminal antecedent and in both the cases he is on bail and petitioner in Cr.Misc.No.68373 of 2021 has got four criminal antecedents and in all the cases he is on bail. It is further submitted that the investigation against these petitioners is complete and if released on bail their presence may be secured in course of trial.



Learned APPs for the State have opposed the prayer for regular bail of the petitioners. It is submitted that these petitioners seem to be members of a gang which were operating in the area and has looted away the vehicle in question. In the confessional statement one of the co-accused has stated that the looted vehicle was sold and the proceed of Rs.60,000/- were distributed among the accused persons. Learned APPs submit that save and except the aforesaid material, in the case diary there is no other material and it is true that despite the fact that these petitioners are in custody in connection with this case for almost one year they have not been put on TIP.

Having regard to the submissions that these petitioners have been taken on remand after eight months of the alleged occurrence in the present case only on the basis of the confessional statement of the co-accused Saroj Singh when he was arrested in connection with Mohania P.S. Case No.235/2020, despite the stay of petitioners inside the jail for almost one year they have not been put on TIP and nothing incriminating has been recovered from their possession, investigation against them is complete and their presence may be secured in course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Bikramganj, District-Rohtas at Sasaram in connection with Sanjhauli P.S. Case No.70 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

