

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58499 of 2021

Arising Out of PS. Case No.-119 Year-2012 Thana- RAMGARHWA District- East
Champaran

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1. Devendra Kamat Son of Late Bhaleshwar @ Bhageshwar Kamat Resident of Village- Bhatahi, P.S.-Jatiyahi, District- Dhanusha, Nepal
 2. Ramesh Yadav Son of Sonelal Yadav Resident of Village- Bhatahi, P.S.-Jatiyahi, District- Dhanusha, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioners, above named, for grant of regular bail to the petitioners who have been made accused and put behind the bar in connection with Ramgarhwa P. S. Case No. 119 of 2012 registered for the offences punishable under Section 395 of the Indian Penal Code and subsequently Section 27 of the Arms Act has been added.

As per the prosecution case, it is alleged that on 14.06.2012 about 15-20 miscreants entered in the house of the informant and looted away ornaments, cash and mobile phone



belong to the inmates of the house, as detailed in the F.I.R..

It is submitted on behalf of the petitioners that initially both the petitioners have been booked in connection with Shikarpur P. S. Case No. 353 of 2012 on 15.10.2012 and thereafter, though the production warrant of the petitioners was issued on 07.11.2012 by the learned Court below but finally, the petitioners have been remanded in this case on 24.06.2019 and 12.03.2019 respectively. And since then they are in custody. It is next submitted that the petitioners are not named in the F.I.R. and they are in custody since 2019 in connection with the present case but till date they have not been put on T.I.P.. Further co-accused Mithlesh Paswan @ Pyarelal Paswan, having similar allegation, have already been granted bail by co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 5551 of 2016 vide order dated 15.02.2016.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the facts stated above and taking into account the material available on record, the petitioners have been remanded in the present case on 24.06.2019 and 12.03.2019 respectively and yet they have not been put on T.I.P, apart from the fact that they are not named in



the F.I.R., let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at East Champaran, Motihari in connection with Ramgarhwa P. S. Case No. 119 of 2012, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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