

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58981 of 2021

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

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Golu Jha, Son of Ganesh Jha, Resident of Village - Rahimapur, P.S.- Bidupur,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 1052 of 2019 registered for the alleged offences under Sections 395, 397, 412, 201 and 120(B) of the Indian Penal Code.

As per prosecution case, a dacoity was committed in Muthoot Finance Company and gold weighing 55.77 Kg and cash of Rs. 50,000/- and some mobile phones were taken away by the miscreants. Later on, the name of the petitioner transpired as one of the conspirators in the alleged occurrence.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of his brother Nishant Jha who also named other co-accused persons for being involved in this case. Another co-accused Dharmendra Rai also named this petitioner for his participation in the crime. The learned counsel further submits that at the time of alleged occurrence, this petitioner was in judicial custody and allegation of conspiracy against the petitioner is false and concocted. If the conspiracy angle is excluded, nothing remains against this petitioner in the whole case. No recovery has been made from the conscious possession of the petitioner. The investigating authority failed to connect this petitioner with the alleged crime to make out a case for conspiracy against this petitioner. The learned counsel further submits that a number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court and their details are as follows:-

Mosmat Sita Devi & Sangita Devi have been granted bail vide order dated 29.06.2020 passed in Cr. Misc. No. 21189 of 2020, Rama Shankar Rai has been granted bail vide order dated 23.11.2020 passed in Cr. Misc. No. 22960 of 2020, Ashuf



@ Anshu Khan has been granted bail vide order dated 25.03.2021 passed in Cr. Misc. No. 40946 of 2020, Shanti Devi has been granted bail vide order dated 17.12.2020 passed in Cr. Misc. No. 33729 of 2020, Maju Devi has been granted bail vide order dated 07.07.2020 passed in Cr. Misc. No. 21751 of 2020 and Aimpi Devi @ Ampa Devi has been granted bail vide order dated 24.06.2021 passed in Cr. Misc. No. 7295 of 2021. The petitioner is in custody since 16.03.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is one of the conspirators and for this reason, it is very difficult to collect the evidence against such person. He has been named by his own brother as well as another co-accused persons. The petitioner is a habitual offender and four cases of similar nature are pending against him.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the grant of bail to similarly placed co-accused along with submission of charge-sheet in this case and period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 1052 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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