

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42668 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- PATORI District- Samastipur

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Karan Kumar Singh @ Randhir Kumar Singh Son of Virju Singh Resident of
Village - Sahdai Khurd, P.s.- Desari (Sahdei OP), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 49434 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- PATORI District- Samastipur

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Deepak Kumar Singh @ Sonu Singh S/O Girijesh Singh Resident of village-
Kuren, P.S.- Raserra, District- Ballia, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 42668 of 2022)

For the Petitioner/s : Mr. Rina Sinha, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 49434 of 2022)

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 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 through virtual mode.

The petitioners seek regular bail in connection with
Patori (Mohanpur O.P.) P.S. Case No. 85 of 2021 lodged under

Section 395 of the I.P.C.

As per the prosecution case, the informant has disclosed that at about 9 P.M. evening, he was returning with the jewellery amounting Rs. 2 lakh and Rs. 40,000/- cash with his motorcycle, then 6 accused persons riding on 2 motorcycles started firing and overtake the informant and his nephew. On the gun point, they have looted the jewellery as well as the cash.

Learned counsel for the petitioner of first case (Cr. Misc. No. 42668 of 2022) submits that petitioner is innocent and has committed no offence. Counsel submits that petitioner's name has figured in this case by virtue of the confessional statement. Counsel submits that petitioner is in custody since 01.02.2022. Nothing was recovered from his possession nor he was put on T.I.P. Counsel submits that the other co-accused has been granted bail by this Court vide order dated 03.11.2022 passed in Cr. Misc. No. 23430 of 2022. Counsel further submits that there are 3 criminal cases pending against the petitioner.

Learned counsel for the petitioner of second case (Cr. Misc. No. 49434 of 2022) submits that petitioner's name has also figured in this case by virtue of the confessional statement. Nothing incriminating was recovered from his possession. Counsel submits that petitioner is in custody since 15.05.2022 but there are 11 criminal cases pending against the petitioner. Counsel submits that in the present case, no direct or indirect

evidence has come. Charge sheet has already been filed in this case and T.I.P. has not been conducted.

Learned counsel for the State vehemently opposes the prayer for bail and submits that the material has come against the petitioners which is crystal clear from the impugned order. Counsel further submits that there are criminal antecedents of both the accused persons and if bail shall be granted to them, the trial may not be concluded. Counsel further submits that this is a case of March 2021 but till date, charge has not been framed.

In the present facts and circumstances of these cases and the submissions made above, I am not inclined to grant bail to the petitioners at present but liberty is hereby granted that they may renew their prayer for bail upon framing of charge and the Trial Court is directed to release them on bail 3 months after framing of charge imposing its own conditions so that if trial shall not be concluded within the said period, the accused shall appear before the trial and may not evade their appearance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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