

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3865 of 2023

Arising Out of PS. Case No.-483 Year-2021 Thana- DUMRA District- Sitamarhi

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Rambharos Sah S/O Ganesh Sah Resident of village- Premnagar, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
13.06.2022 in connection with Dumra P.S. Case No. 483 of
2021, F.I.R. dated 07.12.2021 for the offences punishable under
Section 392 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, four unknown
miscreants armed with weapons have trespassed the house of
the informant and committed loot of some ornaments and some
documents. It is further alleged that they locked the family



members of the informant in the room and also threatened them.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of the petitioner which was recorded in Bajpatti P.S. Case No. 369 of 2021 in which the petitioner has confessed his involvement in the present case. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manturaj Soni has been granted bail by a co-ordinate Bench of this Court vide order dated 28.03.2023 passed in Cr. Misc. No. 1800 of 2023 and another co-accused, namely, Sanjay Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 68654 of 2022. The petitioner is in custody since 13.06.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi, Bihar in connection with Dumra P.S. Case No. 483 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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