

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13475 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- SHERGHATI District- Gaya

MD. IMRAN KHAN @ ARYAN Son of Late Anwar Khan R/V- Nourani
Rampur, P.S- haswar, Dist- Ambedkar Nagar (uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20687 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- SHERGHATI District- Gaya

SAURABH KUMAR @ SAURABH PASWAN S/O TALKESHWAR
PASWAN Resident of Village- Nadiyain, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13475 of 2023)

For the Petitioner/s : Mr.Leelawati Kumari, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 20687 of 2023)

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with
Sherghati P.S. Case No. 376 of 2022 dated 18.05.2022
registered for the offence under Sections 364A and 395 of
the Indian Penal Code.



The case relates to commission of loot of truck of the informant and abduction of truck driver for want of ransom.

Learned counsel appearing for the petitioners submits that the petitioner, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R., however, their name transpired in this case on the basis of confessional statement of the co-accused, Chandan Kumar and Munna @ Bithal. He further submits that nothing incriminating has been recovered from the house or conscious possession of the petitioners nor the prosecution has conducted T.I.P. till date. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. He further submits that similarly situated co-accused, namely, Jitendra Paswan @ Jitu has also been granted bail by this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 23515 of 20223 and Md. Imran Alam, has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.01.2023 passed in Cr. Misc. No. 43363 of 2022. He



further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 20.05.2022 and 13.07.2022 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya in connection with Sherghati P.S. Case No. 376 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



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.

(Rajesh Kumar Verma, J)

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