

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21048 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- KADAMKUAN District- Patna

Rajesh Ram @ Sadhu RAM Son of Sri Vijay Ram Resident of village -
Dhamgama, P.S.- Jahanabad, District - Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murli Dhar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 21.01.2022 in connection with Sessions Trial No. 1235 of 2022 arising out of Kadamkuan P.S. Case No. 37 of 2022, F.I.R. dated 21.01.2022 for the offences punishable under Section 395 of the Indian Penal Code.

4. According to prosecution case, two miscreants entered into the jewellery shop of the informant and on the point of pistol they looted away all the cash kept in the counter and also snatched the mobile of his shop.



5. 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 supervision of the Superintendent of Police. He further submits that from perusal of the F.I.R as well as seizure list, nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the possession of the co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Nitesh Kumar @ Nitish Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 19908 of 2022. The petitioner is in custody since 21.01.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of the CCTV footage, the petitioner has been identified and the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on



bail in both the cases.

7. Considering the aforesaid facts and circumstances and the period of custody, 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 Additional Sessions Judge XI, Patna in connection with Sessions Trial No. 1235 of 2022 arising out of Kadamkuan P.S. Case No. 37 of 2022 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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