

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27220 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- JOGAPATTI District- West Champaran

Ashok Ram S/O Late Ramdut Ram Resident of Village- Semariman, P.S.-
Nawalpur, District- West Champaran.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Jogapatti
(Nawalpur) P.S. Case No. 676 of 2022 registered for the offence
under Sections 399, 402, 413, 414, 412 of the Indian Penal Code
and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 08.12.2022.

5. The allegation against the petitioner is to involve in
preparation for dacoity alongwith other co-accused persons and
while preparing so found in possession of looted cash of previous
dacoity, alleged to be committed in a bank for a total of Rs.



2,42,000/-.

6. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner was surfaced during the course of investigation on the basis of disclosure made by co-accused Raja Kumar, who has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 33592 of 2023 vide order dated 24.06.2023. It is further submitted that in furtherance of said confessional statement cash of Rs. 2,42,000/- alleged to be recovered from the house of this petitioner, whereas from person only two mobile phones alleged to be recovered, which belongs to this petitioner. It is submitted that as petitioner is an elected *Sarpanch* out of political rivalry, he was implicated falsely with present case without having any cogent materials. It is further submitted that alleged recovered cash appears to be planted for the reason that same cannot be connected with alleged looted currency of banks in want of details and denominations. While concluding the argument, it has been submitted that petitioner found involved in six more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as



mentioned above as alleged recovered cash is without any details and denominations, where petitioner is an elected *Sarpanch* coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Jogapatti (Nawalpur) P.S. Case No. 676 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah (West Champaran)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned trial Court till



the conclusion of trial and exemption from physical appearance be allowed by the learned trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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