

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28145 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- RANIGANJ District- Araria

1. Md. Jeesan Khan S/O Khatib Khan R/O Village- Manaulapatts, Ward No. 4, P.S- Bhargama, Distt.- Araria.
2. Suraj Kumar Sharma S/O Hira Sharma @ Hira Lal Sharma R/O Village- Bharna, Ward No. 6, P.S- Bhargama, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who is in custody since 09.01.2023 in connection with Raniganj P.S. Case No. 222 of 2022, F.I.R. dated 04.07.2022 for the offences punishable under Section 395/412 of the Indian Penal Code but the police submitted the charge-sheet under Section 395, 412 of the Indian Penal Code.

According to prosecution case, in brief is that as per F.I.R. the informant gave his fardbyan to the S.H.O Raniganj Police Station on 04.07.2022 alleging therein that the informant is a Tractor Driver he had loaded maize on his tractor when he reached near Resham Lal Chouk three unknown miscreants came on a white colour Carand intercepted him and looted



maize including the Tractor and tied up the eye of the informant.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of confessional statement of co-accused namely, Suraj Kumar Jha. He further submits that nothing has been recovered from the conscious possession or the house of the petitioners and till date no TIP has been conducted by the prosecution. He further submits that the co-accused Suraj Kumar Jha confessed before the police has been granted bail by the court below itself vide order dated 23.09.2022 passed in Bail Petition No. 913 of 2022 and other co-accused namely Md. Najbul has been granted bail by the court below itself vide order dated 27.08.2022 passed in Bail Petition No. 803 of 2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in judicial custody since 09.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 222 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 petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have 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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