

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36646 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Kalicharan Chauhan Son Of Umashankar Chouhan @ Shankar Chauhan R/O
Village- Enthi (AITHI), P.S.- Bankata, District- Deoria (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62995 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Amit Singh @ Amit Kumar Singh @ Fauji Son Of Late Banka Singh R/O
Village- Nayagaon, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36646 of 2022)

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 62995 of 2022)

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Shaheen Begum



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Raghunathpur P.S. Case no. 225 of 2021, registered for the offences punishable under Section 395 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that on 10.12.2021 at about 03:00 PM, when the informant was in his shop along with some customers, petitioners along with their associates entered into his shop and looted ornaments and cash on the point of pistol.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are not named in the F.I.R. and their name transpired only in the confessional statement of co-accused. He also submits that no TIP has been conducted till date.

He further submits that the petitioners have been languishing in jail since 24.02.2022 and 29.01.2022,



respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Kalicharan Chauhan has been made accused in three other cases and the petitioner, namely, Amit Singh has been made accused in eleven other cases and in all these cases, he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Siwan in connection with Raghunathpur P.S. Case no. 225 of 2021, on the following conditions:

(i) The petitioners will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the



petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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