

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42889 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

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DEEPAK JHA @ DIPAK JHA SON OF BIJAY JHA @ BIJAY THAKUR
R/O VILLAGE- SHIVALA MORE, P.S.- SAHPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 43434 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

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RAHUL KUMAR S/O ARUN KUMAR SHARMA Resident of Bari Khagaul,
Devi Asthan, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 42889 of 2022)

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Raj Ballabh Singh

(In CRIMINAL MISCELLANEOUS No. 43434 of 2022)

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Bihta P.S. Case No. 588 of 2021, registered for the offences punishable under Sections 396, 397 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is that the petitioners and their associates had assaulted the informant and also looted the cash and some gold ornaments from the shop, namely, "Maa Vidhyaswani Jewellers".

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the petitioners are not named in the FIR and nothing has been recovered from the conscious possession of the petitioners. They also submit that no TIP has been conducted by the Police till date. They further submit that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.



They further submit that the petitioner no. 1 and petitioner no. 2 have been languishing in jail since 23.12.2021 and 23.08.2021, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other case each respectively.

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. Additional Sessions Judge Vi, Danapur, Patna in connection with Bihta P.S. Case No. 588 of 2021, **after framing of charge, if not already framed**, 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 them 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 bond 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 bond 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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