

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50316 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BARAULI District- Gopalganj

JITENDRA RAM S/O RAJENDRA RAM R/O VILLAGE- WARD NO. 27,
VILLAGE- LAUKARIYA, RAGHUNATHPUR, PS. RAGHUNATHPUR
O.P., DIST. EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50858 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BARAULI District- Gopalganj

GANESH SAHANI S/O LAXUMAN SAHANI RESIDENT OF VILLAGE-
PAKADI, WARD NO 10, P.S- DUMARIYA, DISTRICT- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50316 of 2023)

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 50858 of 2023)

For the Petitioner/s : Mr. Dhramveer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since
31.01.2023 and 12.03.2023 respectively, in connection with
Sessions Trial No. 403 of 2023 arising out of Barauli P.S. Case No.
42 of 2023, F.I.R. dated 24.01.2023 registered for the offences



punishable under Section 392 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioners submits that the petitioner namely Jitendra Ram carries one more case other than the present one whereas petitioner namely Ganesh Sahani has clean antecedent and they have been falsely implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners has been transpired during investigation on the basis of confessional statement of co-accused persons namely Raju Mahto and except the confessional statement of co-accused Raju Mahto, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the possessions or the house of the petitioners and till date no test identification parade was conducted by the prosecution. He further submits that co-accused namely Ranjeet Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 33910 of 2023, another co-accused person namely Satrudhan Sahani @ Shatrudhan Shahni has been granted bail by a Coordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 30916 of 2023 respectively. He further submits that the police after



investigation submitted chargesheet against the petitioners and the petitioner namely Jitendra Ram is in custody since 31.01.2023 and petitioner namely Ganesh Sahani is in custody since 12.03.2023.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Gopalganj in connection with Sessions Trial No. 403 of 2023 arising out of Barauli P.S. Case No. 42 of 2023, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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