

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51850 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- INDUSTRIAL District- Bhagalpur

Ranjeet Sharma Son Of Mahesh Sharma R/O-Mahamadabad, P.S.-Babarganj,
Distt.-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 27.03.2023 in connection with Industrial Area P.S. Case No.48 of 2023, F.I.R. dated 21.03.2023 for the offences punishable under Section 394 of the Indian Penal Code.

3. According to prosecution case, the informant along with his wife were taking rest at his house on 21.03.2023 at about 12:30, in the meanwhile, three unknown persons out of one has pistol and another has knife in their hands entered into his house. It is further alleged that one person demanded key of Godrej from his wife and demanded money upon which his wife protested. Thereafter, he slapped her and pressed her mouth and one who having pistol came to him and also slapped him by



which his spectacle was broken. His wife handed over key to them due to fear. In the meanwhile one person took the mobile of his wife. Thereafter, they captured him and his wife and by opening the Godrej, they took away total Rs.1,75,000/- and chain of gold of two Bhar, chain of gold of 1-1/2 Bhar, two chains of gold each one Bhar, one set of necklace of gold of four Bhar, one pair Bala of gold one Bhar each one pair ear ring of gold of one Bhar, 14 pair tops of ear of gold and Bali total five Bhar, estimated cost of Rs.8,00,000/- (Eight lacs). It is further alleged that by pasting tape on their mouth they took away above ornaments and cash of Rs.1,75,000/-.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Heera Lal Sharma and thereafter, the self confessional statement of the petitioner was recorded in which he confessed his guilt in the present occurrence. He further submits nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the other co-accused persons and till date no TIP has been conducted by the



prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sri Rahul Dutta learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Industrial Area P.S. Case No. 48 of 2023, 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 petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has 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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