

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54637 of 2022

Arising Out of PS. Case No.-294 Year-2020 Thana- JOGBANI District- Araria

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Ranjan Sah @ Ranjan Kumar Sah, S/O Sitaram Sah @ Seetaram Sah,
Resident of Village - Majhua Chaura Parwana (Miyan Hat), Ward No. 9, P.S.-
Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Mithilesh Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior
counsel duly assisted by Mr. Mithilesh Kumar, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Jogbani P.S. Case No. 294 of 2020 registered
for the offences punishable under Section 392 of the Indian
Penal Code.

The prosecution case is based on the fardbeyan of the
informant alleging therein that while he was going on a



motorcycle, two miscreants came there and on the point of pistol, looted away a sum of Rs. 1,23,500/- and other valuables.

Learned senior counsel appearing on behalf of the petitioner submits that admittedly the FIR has instituted against unknown miscreants, however, during the course of investigation the name of the petitioner transpired in the confessional statement of co-accused 'Shivam Chaurasia', however, neither any incriminating material has been recovered from the person or possession of the petitioner nor he has been put on Test Identification Parade till date. He further submits that initially the petitioner was apprehended in connection with Forbesganj P.S. Case No. 196 of 2022 and, thereafter, he has been remanded in eight other criminal cases, including the present one. He next submitted that the Pulsar motorcycle, which was recovered in connection with Forbesganj P.S. Case No. 196 of 2022 belongs to the petitioner, but that does not tally with the motorcycle, which is said to have been used in the present crime. He lastly submits that the petitioner is in custody since 28.03.2022 and now the investigation of the crime is complete.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioner appears to be a habitual offender, apart from the fact that the CDR suggests the tower location of the petitioner at the place of occurrence and there are confessional statement showing the complicity of the petitioner in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the person or possession of the petitioner nor he has been put on Test Identification Parade and, save and except, the confessional statement there is no other material suggesting the complicity of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 5th , Araria in connection with Jogbani P.S. Case No. 294 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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