

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58471 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

Jitendra Prasad Soni S/O Shambhu Ji @ Shambhu Prasad Soni Resident of
Village- Dakhin Mohalla, Ward No- 9, Mirganj, P.S.- Mirganj, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58783 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

Umesh Yadav S/o Sipahi Yadav R/o village- Jiyain, P.S.- Siwan (Muffasil),
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60980 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

Sonu Kumar Son Of Vakil Yadav @ Vakil Chaudhari R/O Village- Jiaen
Jiyay, P.S.- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61177 of 2022

Arising Out of PS. Case No.-502 Year-2021 Thana- SIWAN CITY District- Siwan

Pramod Kumar Yadav @ Pramod Yadav S/O Indal Yadav Resident of Village-
Khargi Rampur, P.S.- Jiradeyi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58471 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 58783 of 2022)

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 60980 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 61177 of 2022)

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard Mr. Krishna Prasad Singh, learned Senior

counsel for the petitioner in Cr. Misc. No. 58471 of 2022, Mr.

Shambhu Prasad Yadav, learned counsel for the petitioner in Cr.

Misc. No. 58783 of 2022, Mr. Ajay Kumar Tiwary, learned

counsel for the petitioner in Cr. Misc. No. 60980 of 2022, Mrs.

Kumari Anupam, learned counsel for the petitioner in Cr. Misc.

No. 61177 of 2022, and learned APP for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 395, 397 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation against the petitioners is to commit
dacoity along with other co-accused persons and while
committing so taken away golden jewellery from the shop of the
informant, having total value of Rs. 4,00,00,000/- (Rupees Four



Crores).

Learned counsels for the petitioners submit that the petitioners namely Jitendra Prasad Soni, Umesh Yadav, Pramod Kumar Yadav @ Pramod Yadav have clean antecedents whereas petitioner namely Sonu Kumar carries two more cases other than the present one and they have been falsely implicated in the present case. They further submit that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired only on the basis of confessional statement of co-accused persons. They further submit that some of the incriminating articles have been recovered from the possession of the petitioners and the recovered articles belonged to the petitioners and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused persons namely Ranjan Kumar and others have been granted bail by a Coordinate Bench of this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 16655 of 2022 and analogous cases. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners namely Jitendra Prasad Soni and Umesh Yadav are in custody since 22.06.2022, petitioner namely Sonu Kumar is in custody since 22.09.2021 and petitioner namely Pramod



Kumar Yadav @ Pramod Yadav is in custody since 14.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioners.

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 Court below where the case is pending in connection with Siwan Town P.S. Case No. 502 of 2021, with 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)

Ibrar//-

U		T	
---	--	---	--

