

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1006 of 2022

Arising Out of PS. Case No.-542 Year-2020 Thana- HARSIDHI District- East Champaran

1. Ramdhani Sahani Son of Lorik Sahani Resident of Village - Tikulia, P.S.- Muffasil Motihari, Dist.- East Champaran.
2. Devendra Yadav Son of Late Kashinath Yadav Resident of Village - Ghaighat, P.s.- Harsidhi, Dist.- East Champaran.
3. Prakash Kumar Son of Late Pannalal Sah Resident of Village - Champapur, P.S.- Ramgharwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 10-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Harsidhi P.S. Case No. 542 of 2020, registered for the offences punishable under Sections 395, 397 and 328 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that petitioner along with his associates looted a truck and some articles.

Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that his name transpired only in the confessional statement of the co-accused. He further submits that other co-accused persons, namely, Sandeep Kumar, Ramchela Rai, Raju Kushwaha and Dharamveer Singh have been enlarged on bail by different Benches of this Court vide order 10.10.2022 and 04.01.2023, passed in Cr. Misc. No. 2060 of 2022, Cr. Misc. No.67774 of 2022, 68659 of 2022 and Cr. Misc. No. 70733 of 2022 respectively.

He further submits that the petitioners have been languishing in jail since 17.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in five cases each.

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 in the



present case.

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. CJM., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 542 of 2020 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 him



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 bonds 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 bonds 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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