

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70977 of 2022

Arising Out of PS. Case No.-750 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Prem Sahani @ Gopal Choudhary, S/o Kapil Muni Sahani @ Kapil Choudhary R/o Mohalla- Gandhi Nagar, P.S.- Agamkua, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Begusarai Town (Nagar Ratanpur) P.S. Case No. 750 of 2021 registered for the offence under Sections 395, 397, 412, 120B of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.02.2022.

The allegation against the petitioner is to commit da-



coity in the house of informant and while committing so taken away jewellery made up of gold valuing about 15 lacs (for business purpose) and other jewellery of family members which were in use, cash of Rs. 60,000-70,000/- and other valuable documents like ATM card, Credit Card etc. It is also alleged that during the course of occurrence of dacoity, the son of informant received knife injury by one of co-accused.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced on the basis of self confession while he was apprehended in Matihani P.S. Case No. 160 of 2021, in furtherance of which, no incriminating material recovered/surfaced which may connect petitioner, *prima facie*, with present occurrence of dacoity. It is also submitted that no incriminating material was recovered from the possession of this petitioner during the course of investigation and also petitioner was not put on TIP as yet. It is further submitted that petitioner found involved in 13 criminal cases, where he is on bail in 12 cases, where in maximum of cases, name of petitioner surfaced on the basis of confessional statement/self confession as of present case, having otherwise no bearing over the merit of present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet



has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above as no incriminating material recovered/surfaced to connect petitioner, *prima facie*, with present occurrence, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Begusarai Town (Nagar Ratanpur) P.S. Case No. 750 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions that:-

- (i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(ii) That one of the bailors
shall be deponent of the present bail pe-
tition.”

(Chandra Shekhar Jha, J)

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