

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79867 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Lalit Jha, Son of Shri Badri Nath Jha, R/O Village + P.O.- Rudauli, P.S.-
Bachwara, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-12-2023 Heard Mr. Awadhesh Kumar, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Cheriya Bariyarpur P.S. Case No. 55 of 2021
(Sessions Trial No. 382 of 2021), registered for the offences
punishable under Sections 395 and 397 of the Indian Penal
Code.

3. This is the third attempt made on behalf of the
petitioner, as earlier twice the prayer for bail of the petitioner
was rejected vide order dated 19.09.2022 and thereafter on
21.06.2023 in Cr. Misc. No. 68881 of 2021 and Cr. Misc. No.
36393 of 2023 respectively.



4. While rejecting the prayer for bail of the petitioner, this Court has taken note of the fact that Glamour motorcycle and looted currency notes have been recovered from the possession of the petitioner and further he was identified in the Test Identification Parade by two of the witnesses.

5. It is submitted on behalf of the petitioner that now the petitioner has been languishing in custody for over a period of more than two years and eight months, however, till date out of six charge-sheet witnesses, only one witness has been examined and thus there is no likelihood of conclusion of trial in near future. He further submits that though earlier the prayer for bail of the petitioner was rejected on merit and, as such, he is not pressing the application on the point of merit of the case, but he would submit that the case of the prosecution is that the petitioner was kept standing outside the Bank and, as such, his identification in T.I.P. is highly doubtful, apart from the fact that the very T.I.P. has conducted after one year of the occurrence, thus not at all reliable. He next submits that taking note of the aforesaid fact, co-accused Ankush Kumar, who is having similar allegation, has been allowed the privilege of bail by this Court in Cr. Misc. No. 66114 of 2023 vide order dated 91.12.2023. He also drew the attention of this Court to the order of this Court



and the order passed by the learned Coordinate Bench, granting bail to other co-accused persons, the copies of which have been brought on record by way of Annexure- 6 Series. He lastly submits that the petitioner having fair antecedent undertakes that he will fully cooperate in the trial.

6. On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is one of the person, who was identified by two of the witnesses. That apart, the looted currency notes and the motorcycle, which was used in the crime, have been recovered from his possession.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been incarcerated for over a period of two years and eight months and till date only one witness has been examined and there is no likelihood of conclusion of trial in near future, coupled with the fact that other accused persons, having similar or some what more or less identical allegation, have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II,



Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 55 of 2021 (Sessions Trial No. 382 of 2021), 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.

(Harish Kumar, J)

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