

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21342 of 2024

Arising Out of PS. Case No.-1191 Year-2023 Thana- SONEPUR District- Saran

1. Shubham Kumar Son of Sri Raju Sah Resident of Village- Samaspura, P.S.- Mahua, District- Vaishali
2. Kanhaiya Kumar Son of Sri Raju Sah Resident of Village- Samaspura, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23565 of 2024

Arising Out of PS. Case No.-1191 Year-2023 Thana- SONEPUR District- Saran

Sanjeev Kumar SON OF DAROGA MAHTO RESIDENT OF VILLAGE- THATHAN BUJURG, PS- KAZIPUR (SADAR), DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25108 of 2024

Arising Out of PS. Case No.-1191 Year-2023 Thana- SONEPUR District- Saran

Sujeet Kumar @ Nepali SON OF LAL BABU SAH @ LAL BABU SHAH RESIDENT OF VILLAGE- SAMASPURA, PS- MAHUA, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 21342 of 2024)
For the Petitioner/s : Mr.Bela Singh
For the Opposite Party/s : Mr.Ajay Kumar Jha
(In CRIMINAL MISCELLANEOUS No. 23565 of 2024)
For the Petitioner/s : Mr.Sanjeet Kumar Singh
For the Opposite Party/s : Mr.Aditya Narayan Singh.1
(In CRIMINAL MISCELLANEOUS No. 25108 of 2024)
For the Petitioner/s : Mr.Anuj Kumar



For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 28-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State in all the three cases.

2. The petitioners seek regular bail in connection with
Sonepur P.S. Case No. 1191 of 2023 lodged on 17.12.2023
under Sections 341, 323, 379, 342, 364A 120B read with
Section 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against four unknown accused persons. It is alleged in
the FIR that all the accused persons came on two motorcycle
and they got the vehicle of the informant stopped after
overtaking. Thereafter, they demanded ransom from the
informant and snatched ATM card, laptop, mobile phone, cash
and a gold ring from him.

4. Learned counsel for the petitioner of first case
submits that the petitioner nos. 1 and 2 are brothers and
petitioner no. 1 is the driver who used to provide the vehicle on
which informant used to move freely and the said vehicle was
recorded in the name of petitioner no. 2. He submits that only
on suspicion their names have been figured in the FIR during
investigation on confessional statement. By virtue of



confessional statement police has filed charge sheet against these petitioners. They have clean antecedent and are in custody since 20.12.2023.

5. Learned counsel for the petitioner in second case submits that there is absolutely no material against the petitioner. He is not named in the FIR nor any incriminating article has been recovered from his possession. Mobile which has been recovered from his possession is his personal mobile. The petitioner has antecedent of one case and is in custody since 20.12.2023.

6. Learned senior counsel appearing for the petitioner in third case submits that he is not named in the FIR. His name has figured in this case by virtue of confessional statement of the named accused persons. Nothing incriminating has been recovered from his possession. The petitioner has clean antecedent and is in custody since 20.12.2023.

7. It is jointly submitted by learned counsel appearing in all the three cases that other co-accused have been granted bail vide order dated 30.05.2024 in Cr. Misc. no. 39606 of 2024, order dated 24.07.2024 in Cr. Misc no. 52004 of 2024, order dated 24.07.2024 in Cr. Misc no. 52019 of 2024 and order dated 31.07.2024 in Cr. Misc. No. 54856 of 2024.



8. Learned counsel for the State opposes the prayer for bail and submits that petitioners of first case are named in the FIR as the informant has raised suspicion against them that they are involved in this case and with this clue the investigation has been started by the police and then the entire crime has unearthed. Learned counsel further submits that the case diary has been called for in this case. On perusal of the case diary it transpires that the main planner of this case is the driver and his brother and on his instance the entire event took place. Counsel also submits that during investigation it has also come that it is the driver who time to time shared the location with the others due to which the entire movement of the informant was unearthed. Learned counsel for the State further submits that it is true that in the confessional statement the name of all the accused persons have figured but he submits that it is the confessional statement due to which the laptop and the mobile have been recovered therefore, the confessional cannot be ignored.

9. Upon the specific query of the Court that what is the progress of the trial, learned counsel for the petitioners submits that as per their knowledge this is case of 2023 itself and charge has not been framed till date.



10. In the present facts and circumstances of the case, the Court is not inclined to grant bail to the petitioners and therefore, the bail applications are hereby rejected.

11. Liberty is hereby granted to the accused persons other than petitioners of first case that they may renew their bail three months after framing of charge.

(Dr. Anshuman, J)

Prakash/-

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