

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25012 of 2024

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

Raj Kumar @ Raj Kumar Rajbhar S/o- Ram Pravesh @ Ram Pravesh Rajbhar
Village - Bankata, P.S. - Bankata, District - Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Siwan Town P.S. Case No. 502 of 2021 registered for

the offence under Sections 395 and 397 of the Indian

Penal Code and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and

is in custody since 20.01.2024.

4. The allegation against the petitioner is to

commit dacoity alongwith 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 Crore).

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of confessional statement of co-accused namely Sandeep Kumar, in furtherance of which no incriminating material recovered/surfaced from the conscious physical possession of this petitioner to connect him with the present occurrence of dacoity. It is also submitted that said co-accused Sandeep Kumar has already granted bail by this Hon'ble Court in Cr. Misc. No. 21565 of 2022 vide order dated 24.08.2022. It is also submitted that neither petitioner nor recovered jewellery from other co-accused was put on T.I.P. to connect petitioner with the present occurrence of dacoity. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed,



for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded the fact the neither petitioner nor recovered jewellery was put on T.I.P.

7. In view of the facts and circumstances as mentioned above as recovered jewellery was not put on T.I.P to connect petitioner with the present occurrence, coupled with the fact that charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 502 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 Chief Judicial Magistrate, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not



involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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