

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44111 of 2024

Arising Out of PS. Case No.-78 Year-2003 Thana- CHACKMEHSI District- Samastipur

Ram Jatan Sahni S/O Late Bindeshwar Sahni R/O Village- Tara Mohanpur,
P.S- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 03-07-2024

Heard learned counsels for the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Chakmehsi P.S. Case No. 78 of 2003 registered for the offence punishable under Section 395 of the Indian Penal Code.

3. Allegedly while the informant was going to attend the call of nature in the meantime altogether 15-20 miscreants armed with various weapons entered in the house and looted all the valuables.

4. Learned counsel appearing on behalf of the petitioner contended that the FIR has been instituted against the unknown *dacoits* however during the course of investigation the name of the petitioner surfaced on the confessional statement of the co-accused Sudhakar Singh who has disclosed the name of his accomplice including the petitioner. It is further contended that though the petitioner has been incarcerated since



03.10.2023 but till date neither the petitioner has been put on Test Identification Parade nor any incriminating article has been recovered from his possession. He lastly contended that only on account of his past criminal antecedent in three cases, his name has been implicated in the present case.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that neither the petitioner has been put on T.I.P. nor any incriminating article has been recovered, moreover the investigation of the crime is already complete much earlier, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-cum- Additional Munsif Samastipur in connection with Chakmehsi P.S. Case No. 78 of 2003 , 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

7. The application stands allowed.

(Harish Kumar, J)

annpurna/-

U		T	
---	--	---	--

