

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49111 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Gautam Kumar S/O- Manoj Sahni @ Manoj Kumar @ Manoj Chaudhary
R/O- Sabalpur, P.S.-Nadi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 49215 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Sonu Kumar Son Of Late Jagjeevan Das @ Ravi Das @ Jagjeevan Ravi Das
Village- Sabalpur, Ps- Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50231 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Manish Kumar Son of Yogendra Sahni R/O Satichaura, Sabalpur, P.S.- Nadi,
Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56717 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Deepak Kumar S/O Krishna Chaudhary R/O Village- Triveni Ggat, P.S- Nadi,
Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar



... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 49111 of 2024)
For the Petitioner/s : Mr.Nityanand Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
Mr. Pramod Kumar
Mr. Rupesh Kumar, Advocates

(In CRIMINAL MISCELLANEOUS No. 49215 of 2024)
For the Petitioner/s : Mr.Nityanand Kumar Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma APP
Mr. Pramod Kumar
Mr. Rupesh Kumar Advocates

(In CRIMINAL MISCELLANEOUS No. 50231 of 2024)
For the Petitioner/s : Mr.Nityanand Kumar, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh APP
Mr. Pramod Kumar
Mr. Rupesh Kumar, Advocates

(In CRIMINAL MISCELLANEOUS No. 56717 of 2024)
For the Petitioner/s : Mr.Manoj Kumar Pandey Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma APP
Mr. Rupesh Kumar
Mr Ramod Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 25-09-2024 Since the aforesaid bail petitions arise out of same PS

i.e., Ramkrishna Nagar PS Case No. 96 of 2024, they have

been heard together and are being disposed of by a common

order.

2. Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

3. The petitioner seeks bail in connection with
Ramkrishna Nagar PS Case No. 96 of 2024 dated 01-02-2024
instituted for the offence punishable under Sections 395 of the
Indian Penal Code and Sections 25((1-B)a/26/35 of the Arms



Act.

4. Allegation against the petitioners with other co-accused persons is of committing dacoity in a pre-planned manner in the house of the informant in broad daylight. It is further alleged that local people immediately informed about the incident on police mobile No. 112 and the police took immediate action and reached the spot and apprehended two injured criminals at 18.40 PM and admitted them in Nalanda Medical College Hospital, Patna. It is further alleged that on the confessional statement of co-accused, namely, Sonu Kumar other accused persons have been made accused in this case. Sonu Kumar (petitioner in Cr. Misc. No. 49215 of 2024) apprehended with a country made pistol and two sharp edge knives were also recovered from the possession of the apprehended accused persons. Later on, their name was disclosed as Deepak Kumar and Sonu Kumar. It is also alleged that from perusal of the seizure list, which is part of the FIR, it would appear that a country made pistol has been recovered from the house of the informant and one motorcycle bearing Registration No. BR01EU 2604 and chassis No. ME1RG662BK0005359 recovered from the spot, which belongs to Gautam Kumar (petitioner in Cr. Misc. No. 49111 of 2024).



5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the case. It is submitted that the petitioners Deepak Kumar and Sonu Kumar were not arrested at the spot rather they have been remanded in the case after 21 days of the alleged occurrence. It is further submitted that the said Deepak Kumar and Sonu Kumar were admitted in NMCH on the alleged date of occurrence, but there is neither any admission register nor discharge summary report available in the case diary. It is submitted that till date no TIP has been conducted. The investigation has already been completed. So far as petitioner, namely, Gautam Kumar in Cr. Misc. No. 49111 of 2024 is concerned, the learned counsel for the petitioner, accepts that seized motorcycle belongs to him. It is also submitted that no any theft amount was recovered from the possession of the apprehended persons or the other accused persons. So far as petitioner, namely, Gautam Kumar is concerned, two cases are pending against him and he is in custody since 08-02-2024. So far petitioner Deepak Kumar is concerned, one case is pending against him and he is languishing in jail since 23-02-2024. Petitioner, namely, Sonu Kumar, is in custody since 08-02-2024 and one case is pending against him. It has been submitted that



petitioner, namely Manish Kumar in Cr. Misc. No. 5023 of 2024 has one case pending against him and he is in custody since 08-02-2024.

6. Learned counsel for the informant and learned APP have vehemently opposed the prayer for bail. Learned counsel for the informant submits that there is recovery of motorcycle bearing Registration No. BR01EU 2604 and chassis No. ME1RG662BK0005359 and a country made pistol and two sharp edge knives from possession of the petitioners, namely, Gautam Kumar, Sonu Kumar and Deepak Kumar.

7. So far petitioners, namely, Sonu Kumar in Cr. Misc. No. 49215 of 2024, Deepak Kumar in Cr. Misc. No. 56717 of 2024 and Gautam Kumar in Cr. Misc. No. 49111 of 2024 are concerned, there is material available against them in the case diary to connect their complicity in the commission of offence. Therefore, this Court is not inclined to enlarge them on bail at this stage. Their prayer for bail is rejected.

8. However, the trial Court is directed to take all endeavour to conclude the trial positively within a period of nine months from the date of receipt/production of a copy of this order.

9. So far as petitioner, namely, Manish Kumar in Cr.



Misc. No. 50231 of 2024 is concerned, it is submitted that there is no material available against him in the case diary except his own confessional statement. This Court is inclined to enlarge the petitioner, namely, Manish Kumar on bail.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, namely, Manish Kumar in Cr. Misc No. 50231 of 2024 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Patna, in Ramkrishna Nagar PS Case No. 96 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and



(iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

11. The application stands partly allowed.

(Khatim Reza, J)

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