

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77617 of 2024**

Arising Out of PS. Case No.-415 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Sartaj @ Sartaj Alam, S/o- Muslim Miya @ Muslim Miyan, Resident of
Village- Isiya, P.S. - Chainpur, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77890 of 2024

Arising Out of PS. Case No.-415 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Dilsad Alam @ Dilshad Alam, Son of Irsad Khan @ Irshad Khan, Resident of
Village- Bhabhua ward No. 23/25, P.O. and P.S.- Bhabhua, District- Kaimur at
Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77617 of 2024)

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 77890 of 2024)

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 18-12-2024 Heard the parties.

2. Considering the fact that both the bail applications
are arising out of the same police station case and, as such, with
the consent of the parties, the same are being heard together and
disposed of by this common order.



3. The petitioners seek regular bail, who are in custody in connection with Bhabhua P.S. Case No. 415 of 2024 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

4. Allegedly the vehicle of the informant was booked by a person in order to carry wheat. While the vehicle was in the way, in the meantime, two persons sat on the front side and two persons on back side of the vehicle and when the vehicle reached near Bahuawan bridge, the persons who were sitting in front side, asked the informant to stop the vehicle, thereupon after putting a pistol upon his head they snatched the key and fled away with the vehicle. It is further alleged that in the meantime a person was coming on a motorcycle, the informant asked for help and chased his vehicle. Later on, he came to know that his vehicle has dashed two persons and the villagers apprehended all the five accused persons and handed over to the police. The informant identified all the persons, including the petitioner in Cr. Misc. No. 77890 of 2024.

Cr. Misc. No. 77617 of 2024

5. Learned Advocate for the petitioner in Cr. Misc. No. 77617 of 2024 contended that in fact the name of the petitioner has transpired during the course of investigation when



the brother of the petitioner, namely, Samim Ahmad was apprehended by the villagers on the date and place of occurrence. During the course of investigation it has also come that co-accused Samim Ahmad has sent the photograph of the vehicle to this petitioner for confirmation, so that the crime can be executed. It is further contended that petitioner was not arrested from the spot nor any incriminating material has been recovered from the person or possession of the petitioner. The petitioner is in custody since 24.09.2024. It is the contention of the petitioner that other co-accused persons, having identical allegation, have been allowed the privilege of bail in Cr. Misc. No. 70033 of 2024 vide order dated 03.10.2024 and in Cr. Misc. No. 64611 of 2024 vide order dated 18.10.2024.

Cr. Misc. No. 77890 of 2024

6. Learned Advocate for petitioner in Cr. Misc. No. 77890 of 2024 contended that the petitioner was apprehended at the place of occurrence by the villagers. It is further contended that nothing has been recovered from the person or possession of the petitioner, despite the fact that there was specific allegation levelled in the that the informant's vehicle was looted on the point of pistol. The petitioner has been incarcerated since 05.06.2024. It is the contention of the petitioner that other co-



accused persons, having identical allegation, have been allowed the privilege of bail in Cr. Misc. No. 70033 of 2024 vide order dated 03.10.2024 and in Cr. Misc. No. 64611 of 2024 vide order dated 18.10.2024.

7. On the other hand, learned APP for the State vehemently opposes the bail applications and submits that the one of the petitioner was apprehended by the local villagers while he was fleeing with the looted vehicle and so far the petitioner, namely Sartaj @ Sartaj Alam is concerned, he is said to be the one of the accomplice in committing the crime of loot.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused persons, who were apprehended at the place of occurrence, have been allowed the privilege of bail in Cr. Misc. No. 70033 of 2024 vide order dated 03.10.2024 and in Cr. Misc. No. 64611 of 2024 vide order dated 18.10.2024, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabhua in connection with Bhabhua P.S. Case No. 415 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further



conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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.

(Harish Kumar, J)

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