

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3754 of 2024

Arising Out of PS. Case No.-711 Year-2020 Thana- NAWADA District- Nawada

Sargun Rajbanshi Son of Ramswarup Rajbanshi @ Ramswarup Ram,
Resident of Village - Karam Tola Mithapur, P.S. - Akbarpur, District-Nawada
at present Resident of Village - Dobhrapur, P.S. - Nawada (Bundelkhand),
District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-03-2024 Heard Mr. Hansraj, learned counsel appearing on
behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. This is the second attempt of the petitioner for grant
of bail, who is in custody in connection with Sessions Trial No.
04 of 2021 arising out of Nawada Town (Bundelkhand O.P.) P.S.
Case No. 711 of 2020, initially registered for the offences
punishable under Sections 396 and 397 of the Indian Penal Code
and subsequently added with Section 412 of the Indian Penal
Code.

3. Earlier, the prayer for bail of the petitioner was
negatived by this Court vide order dated 20.06.2022 in Criminal
Miscellaneous No. 29587 of 2021, after taking into



consideration the confession of the petitioner, leading to recovery of the looted articles, apart from the fact that the prayer for bail of the co-accused having similar allegation has been turned down by this Court.

4. Learned counsel for the petitioner, submits that irrespective of the fact that the prayer for bail of the petitioner was earlier rejected on merit, however, certain facts cannot be ignored that the name of the petitioner was transpired on the confessional statement of the co-accused, barring the fact that the certain incriminating articles were recovered from the house of the petitioner, which were later on identified by the informant leading to his arrest. Moreover, the petitioner has been incarcerated since 13.08.2020. He next submits that one of the co-accused persons, namely, Ballam @ Balma Kumar, whose name was transpired on the confessional statement of co-accused and he was in judicial custody since 30.08.2020, has been allowed the privilege of bail by a learned co-ordinate Bench of this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 16608 of 2023, the copy of which has been placed before this Court and the same is taken on record. He lastly submits that so far the trial is concerned, till date out of twenty five charge-sheet witnesses, only eight have been examined and



there is no likelihood of the conclusion of the trial in near future.

5. On the other hand, learned counsel for the State, vehemently submits that looted articles were recovered from the house of the petitioner and his complicity cannot be denied, apart from the fact, the petitioner is also carrying two criminal antecedents over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the status of the trial, which makes apparent that till date, out of twenty five charge-sheet witnesses, only eight witnesses have been examined, and as such, submission of the learned counsel for the petitioner finds force that there is no likelihood of the conclusion of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Nawada in connection with Sessions Trial No. 04 of 2021 arising out of Nawada Town (Bundelkhand O.P.) P.S. Case No. 711 of 2020, 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.

(Harish Kumar, J)

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