

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82629 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- AGRER District- Rohtas

1. Ranjeet Kumar @ Ranjeet Kumar Giri Son Of Gopal Giri R/O Village- Devahara, P.S.- Goh, District- Aurangabad
2. Kamlesh Giri Son Of Badsah Giri R/O Village- Tawakali Bijli Mathia, P.S.- Parasi, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Agrer P.S. Case No. 75/2023 lodged on 12.09.2023 under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against four unknown accused persons with an allegation of committing robbery with the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are not named in the FIR rather they have been roped in the present case at the behest of the police on the basis of of suspicion and tower location of the mobile phone of the petitioners and except the same, no cogent material has been found against them. The petitioners are in custody since 22.09.2023 and is



accused in four more criminal cases, but in all the cases, they have been granted bail. The offences under which the present FIR has been lodged are triable by a Magistrate. Neither any incriminating material has been recovered from the possession of the petitioners nor the petitioners have been put on the Test Identification Parade.

5.. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioners, this aspect must be taken into consideration that the antecedent of the petitioners are not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Sasaram, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioners on bail only after framing of charge, if not framed as well as on being satisfied that the petitioners are not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

- (i) Mohania P.S. Case No.240/2020
- (ii) Sanjhauli P.S. Case No. 70/2020
- (iii) Mohania P.S. Case No. 235/2020
- (iv) Goh P.S. Case No. 113/2020.

(Dr. Anshuman, J)

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