

IN THE COURT OF SESSIONS JUDGE, BANKA

Bail Petition No. 170 of 2026

Date of filing : 09.03.2026

Date of order : 18.03.2026

Madaran Mian, son of late Hadish Mian, aged about 65 years, resident of village-Kanodi, P.S.-Anandpur, District-Banka

..... Petitioner

-Versus-

State of Bihar

.....Opposite Party

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Bail Petition No. 174 of 2026

Date of filing : 10.03.2026

Date of order : 18.03.2026

Kameshwar Das, Son of Viro Das, resident of village-Guhjor, P.S.-Chandan(Anandpur), District-Banka

..... Petitioner

-Versus-

State of Bihar

.....Opposite Party

*Present : - Sri Arjun Prasad Thakur, Advocate for petitioner no. 1
Sri Shree Rajendra Pandit, Advocate for petitioner no. 2
Sri Hira Lal Singh, Public Prosecutor for the State*

ORDER

1. Yearning for an order of emancipation the bail petitions have been filed by the petitioners, who are booked in Chandan (Anandpur) Police Station Case No. 83 of 2005, corresponding to G.R. Case No. 1298 of 2005, for the offence allegedly committed under Sections 395, 412 of IPC. Petitioner no. 1 is confined in jail since 23.12.2025, and petitioner nos. 2 is confined in jail since 21.01.2026.

2. Since these bail petitions have arisen out of the same police station case number, hence with the concurrence of both sides, these are taken together and being disposed of by a common order.

3. The case of prosecution is engendered upon a fardbeyan given by one Mahendra Singh with the allegations that on 23.11.2025, he was sleeping in the

courtyard of his house. His son Kishor Kumar Singh and his wife were sleeping in the Northern side room of his house. At about 10:30 pm, 12-14 unknown miscreants forcibly entered the house and they bolted the room in which his son and his wife were sleeping and they entered another room and took gold as well as silver jewelry, sarees, T.V., and grocery from his shop and fled away. Upon low thud, he woke up and saw the miscreants.

4. *In oral arguments, learned counsel for petitioners submitted that these petitioners have falsely been implicated in this case whereas they have not been named in the FIR. It is further argued that co-accused Bhola Das and Nakul Das have been ordered to be emancipated by the Hon'ble High Court of Judicature at Patna vide Cr. Misc. Nos. 31143/06 and 35915/06 and the case of present petitioners is on similar footing.*

5. *In counter, learned Public Prosecutor for the State stoutly opposed the bail applications on the ground that it is a case of the year 2005 and the accused are playing hide and seek from the process of law and now very hardly could come in the clutches of law.*

6. *Heard rival submissions and perused the record. The record reveals that the name of present petitioners has come in para 16 of case diary during investigation by the police. It is indubitable that co-accused Bhola Das and Nakul Das have been ordered to be emancipated by the Hon'ble High Court of Judicature at Patna vide Cr. Misc. Nos. 31143/06 and 35915/06. But in this about 21 years old case, the petitioners are playing hide and seek from the process of the court. The trial is stalled only for appearance of the present petitioners. Hence, in the opinion of this court, if these kind of absconders are released on bail, at this stage, will cause more hamper in the trial; resultantly, both the bail petitions are dismissed.*

7. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

8. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioners on placing the xerox copy thereof on record.*

(Dictated)

*(Satya Bhushan Arya)
Sessions Judge, Banka
18.03.2026*