

Court of Addl. Sessions Judge, IInd, Sheikhpura

I.A.No. 01/2024

S.T.No:- 92/2023

1. Ravindra Yadav @ Pothna @ Golu Kumar, Aged about 23 years, S/o Karu Yadav
 2. Gorelal Yadav, Aged about 23 years, S/o Karu Yadav
- Both are R/o Village – Musepur, P.S. – Rahui (Bhaganbigha O.P.),
District – Nalanda.....Petitioners.

Vrs.

The State of BiharOpposite Party

For the Petitioners :- 1. Sri Banarsi Prasad Yadav Advocate.

For the O. P. (State) :- Sri Uday Narayan Sinha, Ld. P. P.

ORDER.

14.05.2024 Bail petition filed on 01.05.2024 on behalf of accused petitioners Ravindra Yadav @ Pothna @ Golu Kumar and Gorelal Yadav under custody since 25.01.2023 in connection with S.T.No. 92/2023 , Barbigha P.S.Case No. 122/2021 , registered U/s. 395 I.P.C. & Added Section 412 I.P.C. vide order dated 27.05.2021 has been pressed today. A copy has already been served to the Ld. Addl. P. P. L.C.R. has been received.

As per written report of informant, prosecution story in brief is that on 26/27.04.2021 informant alongwith his wife Nitu Devi and children Monal Kumar and Aditya Kumar was in his house. At about 12:00 midnight 7- 8 Dacoits entered into the house of informant. They tied the hands and legs of the informant and his wife and abused. They looted clothes, jeweleries, mobiles, utensils, T.V. and other valuable articles from the house of informant. Accused persons also assaulted and abused the informant and his wife. All accused persons were young and they were calling by the names of “Kara” and “Bahadur” in conversation. Two of the Dacoits were wearing half pants and the rest were wearing trousers and had masks on their faces. All were speaking the local language. They have also threatened to rape and kill. The informant suspects that the laborers working in his house may be involved in the alleged Dacoity. Land dispute is going on between informant and Kaushal Singh and he had threatened the informant in past also. That's why the informant suspects that Kaushal Singh can get the robbery done.

Learned lawyer for the petitioners has submitted that petitioners are quite innocent and they have not committed any offence, rather they have been falsely implicated in this case due to local politics. Petitioners are not named in the F.I.R. Nothing has been recovered from possession of these accused petitioners. Petitioners accused have some criminal antecedents. There is no evidence against these petitioners only on the basis of confessional statement of co-accused Akhilesh Prasad, the petitioners accused have been dragged in this case. The petitioners are not concerned with the matter. The bail of the accused petitioner has been rejected by the Ld. Sessions Judge,

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14.05.2023 Sheikhpura through B.P.No. 616/2023 v.o dated 09.05.2023 and by the Hon'ble High Court, Patna through Cr.Misc. No. 43726 of 2023 v.o dated 04.08.2023 . The petitioners accused are in custody since 25.01.2023 in this case.

The Ld. Addl. P.P vehemently opposed the prayer for bail and has submitted that petitioners were involved in commission of the alleged Dacoity in the house of informant. Petitioners accused have many criminal antecedents of similar nature. Petitioners are habituated to commit robbery. Charge-sheet has been submitted against accused petitioners U/s. 395/412 I.P.C. Regular bail of co-accused persons has been rejected by Ld. Sessions Court vide B.P. No. 351/2023, B.P. No. 270/2023 dated 18.03.2023 & B.P. No. 492/2023 . . The bail of accused petitioner has been rejected by the Ld. Sessions Judge, Sheikhpura through B . P. No. 616/2023 v.o dated 09.05.2023 and by the Hon'ble High Court, Patna through Cr. Misc. No. 43726 of 2023 v.o dated 04.08.2023 .The bail of the co-accused has also been rejected by this court.

Heard, either sides and perused the record.

I have heard rival submission of both the parties and perused the case record and case diary. The name of accused petitioners surfaced during the course of investigation. From perusal of the record, it transpires that witnesses in Para 6, 7 & 77 of case diary, have supported the occurrence. In Para 79, it transpires that petitioners accused have seven criminal antecedents of similar nature. Para 76 of the case diary contains search-cum-seizure-list, which shows that looted articles have been recovered from the house of petitioners accused Gorelal Yadav and Pothan @ Golu both S/o Karu Yadav. Para 73, 88 89 & 90 of the case diary contains confessional statement of co-accused persons in which they have confessed that they along with petitioners accused committed robbery in the informant's house and looted clothes, jewelry, mobile, utensils, T.V. and other valuables articles. In Para 87, 89, 106 & 107 of the case diary confessional statements of co-accused persons have been mentioned and they admitted that they all are members of Gang of Dacoits. On the midnight of 26/27.04.2021, they alongwith petitioners accused entered into the house of informant and committed robbery and looted clothes, jewelry, mobile, utensils, T.V. mobile and other valuables articles. There is sufficient material in the case diary against these petitioners and petitioners are habituated to commit robbery. Charge-sheet has been submitted against the petitioners accused U/s.

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14.05.2023 395/412 I.P.C. Regular bail of accused petitioner has been rejected by Ld. Sessions Judge vide B.P. No. 616/2023 dated 09.05.2023 and by the Hon'ble High Court Patna through Cr.Misc. No. 43726 of 2023 v.o dated 04.08.2023. The bail of the co-accused has also been rejected by this court.

Considering the facts and circumstances of the case, nature of the allegation stage of the case and petitioners are habituated to commit robbery, I am not inclined to enlarge the accused petitioners on bail. Accordingly the instant regular bail petition of the petitioners namely Ravindra Yadav @ Pothna @ Golu Kumar and Gorelal Yadav stands rejected.

Any observation made will be inconsequential during trial or any further stage of the case.

Dictated.

S/c, Addl. Sessions Judge, Ind
Sheikhpura.
14.05.2023.