

1
COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

Dilip Soni aged about 30 years S/o- Sita Ram Soni R/o- Lohra Koccha
PO and PS – Lalpur District Ranchi Jharkhand
.....Petitioner.

Versus

State of Jharkhand.....opposite party.

Counsel for the petitioner– Shri Avinash Kumar Pandey, Ld Advocate.

Counsel for the state- Sri Mohan Rajak, Addl. P.P.

O R D E R

22/11/2022 This regular bail petition has been filed on behalf of petitioner
Dilip Soni under section 439 of the Code of Criminal Procedure who is in
custody since 20.08.2022 in connection with **Bariyatu PS case no.129 of**
2022 for offence under section 461, 380 of IPC pending in the court of
Sri Ashok Kumar, J.M.F.C, Ranchi is taken up for hearing today. Copy of the
bail petition served upon Addl P.P. Lower court record is received to the
court.

Heard learned counsel for the petitioner and Ld Addl PP for the state. It
has been submitted on behalf of the petitioner that petitioner is innocent and
he has been falsely implicated in this case. Prior to this petitioner has not
filed or moved any application for grant of bail either before the court of
Sessions or before the Hon'ble Jharkhand High court. Petitioner was unnamed
accused of this case. On the request of IO petitioner was remanded in this
case from Sadar PS case no 370/2022 in which petitioner has been granted
bail by the learned Judicial commissioner Ranchi vide BP no 1545/2022. when
petitioner had gone to file bail bond for his release he was being informed
that he he has been remanded from Bariatu PS case no 129/2022. learned
counsel for the petitioner further submitted that there is allegation against the
petitioner that on 17.5.2022 when informant had gone outside of his house to
attend marriage ceremony and when he returned on 25.5.2022 he found that
some miscreants committed theft in his house. Accordingly, on the basis of
confession he was remanded in this case and his bail petition was rejected by
the court of learned CJM Ranchi on 27.9.2022. learned counsel for the
petitioner further submitted that petitioner is proprietor of Maa Jewellery
and due to that he has been arrested by the police without any proper

COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

investigation and without giving any chance to petitioner to prove his innocence. Police has shown recovery of few jewelleryes from his shop in connection with Sadar PS case no 370/2022 which belongs to him and he can produce the documents of the said jewelleryes. nothing has been recovered from the possession of the petitioner with regard to this case and after investigation police has submitted chargesheet in which cognizance has been taken. There is no chance of his absconding or tempering with the evidence. He undertakes that he will cooperate in the trial and will never temper with the prosecution evidence. Therefore, on above ground petitioner may kindly be released on bail.

On the other hand learned Addl PP vehemently opposed the prayer of bail and submitted that petitioner has got criminal antecedent. He confessed his guilt in Sadar PS case no. 370/2022 and accepted that he committed offence for which Bariyatu PS case no.129/2022 was registered. Therefore, petitioner bail petition is fit to be rejected.

After hearing both the side, I perused the record it appears that Bariyatu PS case no 129/2022 was registered on the typed report of Rahul Sharma Son of late Surendra Kumar Sharma R/o- Sahash flat no 334, 883F Cheshayar Home Road, Bariyatu PS Bariyatu District Ranchi who stated that he he had gone to attend marriage ceremony to Delhi on 17.5.2022. On 25.5.2022 at about 4 M he returned to Ranchi and found lock of his door, bed room and Almirah were broken condition. He resides on the first floor. When he inquired, he found that theft has been committed in his house. Surprisingly, he found that lock of the other rooms has not been broken. He assessed the value of the articles which was stolen from his house which cost about 10 lakhs 15 thousand in which Rs. 1.5 lakhs cash and jewelleryes valued 18 lakhs 65 thousand. After investigation IO submitted chargesheet against the petitioner and other co-accused persons u/s 461/380 of IPC in which cognizance has been taken by the learned Judicial Magistrate. I perused the case diary which indicates that prosecution witnesses have supported the case of prosecution in para 2, 5,6,7 of the case diary. In para 48 IO came to know that accused persons of Sadar PS case no 370/2022 dated 20.8.2022

3
COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022
Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

under section 413/414 401 namely Subham, Mohit Hembram Sandeep Munda ,Sunny Paswan, Dilip Soni and Abhishek Kumar Verma have in their confession accepted that they committed theft in between house situated at Chashair Home in the close house three months ago with the help of Subham, Mohit Hembram and Sandeep Munda. Further in para 50 IO mentioned confessional statement of accused persons including petitioner in connection with Sadar PS case no 370/2022 and on that basis, he made prayer before the learned Judicial magistrate to remand accused persons in this case. Accordingly, petitioner was remanded in this case on 22.9.2022. it further appears that except confession of petitioner and co-accused persons in connection with Sadar PS case no 370/2022 there is nothing available in case diary against the petitioner.

Considering the above facts and circumstances, since chargesheet has been submitted against the petitioner IO not required petitioner on police remand. There is no chance of further collection of evidence against the petitioner. Petitioner is in custody in this case for more than two months. Therefore, I am inclined to grant bail to the petitioner **Dilip Soni**. Petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court below with condition that petitioner will file an undertaking that he will not tamper with the prosecution evidence and will give his mobile number which he will not change during trial without permission of the learned lower court.

(Dictated)

AJC-XVI Ranchi.

**COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022**

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

**COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022**

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

**COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022**

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022

**COURT OF MADHURESH KUMAR VERMA, AJC-XVI RANCHI.
BP NO 1799/2022**

Bariyatu PS case no.129 of 2022

contd.....
22/11/2022