

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23505 of 2020**

Arising Out of PS. Case No.-2 Year-2019 Thana- MALI District- Aurangabad

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SHEO SAGAR ROY @ GAUTAM ROY Son of Bishun Roy @ Bishuni Ray
Resident of Village- Ramdathi, P.S.- Karnamepur, O.P. Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arun Kumar Pandey, Advocate
For the Opposite Party/s : Mr Md Arif, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Mali Police Station (for brevity, PS) Case No 2 of 2019 dated 24.01.2019 instituted for the offence punishable under Section (s) 399, 402, 414 of Indian Penal Code.



Allegation is that miscreants had assembled and were preparing for making loots. On the spot, from the vehicle, named accused persons have been apprehended allegedly carrying pistols. Some cash has also been recovered. The apprehended accused have stated that the vehicle in question belongs to the petitioner.

It is submitted by petitioner's counsel that even as per prosecution case, the petitioner was neither travelling on the Scorpio vehicle nor he was at the place from where the co-accused persons have been apprehended with the incriminating articles. The petitioner had no knowledge that the vehicle was being used for any illegal purpose. It is further submitted that in fact co-accused had hired the vehicle from the petitioner and, therefore, he cannot be held liable for the recovery/seizure whatsoever. Two other cases are said to be pending against the petitioner, as stated in paragraph 3 of the petition in which he is already on bail and in this case, he is in custody since 11.12.2019.

The learned APP for the State has opposed the prayer for bail by submitting that the petitioner was the owner of the vehicle and cannot escape the liability.

Considering the rival submissions, prayer for bail is



allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Mali PS Case No 2 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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