

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13328 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- SULTANGANJ District- Bhagalpur

1. Santosh Sah Son Of Nakul Sah Resident Of Village - Pildauri, P.S.- Sultanganj, Dist.- Bhagalpur.
2. Mithun Sah Son Of Nakul Sah Resident Of Village - Pildauri, P.S.- Sultanganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Sultanganj P.S. Case No.157 of 2020 registered for the offence punishable under Sections 341, 323, 384, 385, 379, 386, 387/34 of the Indian Penal Code.

Allegation against the petitioners is that petitioners along with other co-accused persons assaulted the informant and also looted his shop. Petitioner No. 1 snatched a silver chain from the neck of



informant's mother and demanded a sum of Rs. 25,000/- and also threatened to kill them. It is alleged that petitioner No. 2 took out Rs. 3000/- from the *Galla* of the shop. Petitioner No. 1 also shot fire upon the informant from his gun, however, the bullet did not come out.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is no eye witness of the occurrence and the petitioners have been named due to prior enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have two criminal antecedents as has been mentioned in para 3 of this bail application and they are languishing in custody since 03.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Sultanjganj P.S. Case No. 157 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor will also undertake to inform the



court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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