

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34693 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- SAHPUR District- Patna

SANTOSH KUMAR @ BAKARIYA S/o Shobha Rai R/o Mohalla- Danapur
Kagaji Mohalla, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-01-2021 Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

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

The petitioner seeks bail in a case registered under Sections 395 & 397 of the Indian Penal Code.

The prosecution case in short is that one Safiul Haque, who happened to be the informant of this case, lodged the instant case, alleging therein that on 22-07-2019 at 7.45 P.M. when he was present at the petrol pump of his brother, all of a sudden, 4-5 persons bike borne persons came at the Petrol Pump and out of them, one entered into dealer room having Katta in his hand and they assaulted to the uncle of the informant, who sustained injury on his head and his teeth have also been broken. It is also alleged that they looted away Rs. three lacs from the pocket of the informant.



It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 04-02-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. His name transpired in this case on the basis of confessional statement of co-accused. The petitioner has not been put on test identification parade to ascertain his participation in the alleged occurrence. There is no recovery from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Danapur in connection with Shahpur P.S. Case No. 287 of 2019.

(Sudhir Singh, J)

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