

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35421 of 2020

Arising Out of PS. Case No.-138 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Sanjay Kumar Son of Jai Narayan Sao Resident of Village-Jagdar Bazar,
Ward No. 7, P.S.-Parihar, Dist-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 12-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Runnisaidpur Police Station Case No. 138 of 2020, registered
for the offence punishable under Sections 302/394/307 of the
Indian Penal Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that on 18.03.2020, at about 07:50 PM, the husband of the
informant, Anil Mahto, along with his friend, Binay Sah, was
going on motorcycle and they were intercepted by three
unknown criminals, riding on motorcycle, and one of them tried
to snatch the bag containing gold and silver ornaments and
upon resistance/protest, the criminals fired upon the husband of
the informant, due to which he received gun-shot injury and was



declared dead by the doctor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of confessional statement of co-accused Vijay Mahto and no incriminating article has been recovered from the possession of the petitioner. He further submits that the confessional statement of the petitioner has also been recorded and from perusal of the same, it would be evident that the petitioner had only purchased the looted gold and silver ornaments from co-accused persons on payment basis. He next submits that the petitioner is jewellery shop owner and is having no criminal antecedent. He further submits that co-accused persons, namely, Kamlesh Mahto (by order, dated 08.01.2021, passed in Criminal Misc. No. 32578 of 2020), Rohit Kumar @ Sonu (by order, dated 05.02.2021, passed in Criminal Misc. No. 32905 of 2020) and Sujit Mishra (by order, dated 03.03.2021, passed in Criminal Misc. No. 40709 of 2020) have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 09.06.2020 and charge sheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence

Having heard learned Counsel for the parties and



taking into consideration the materials on record and the fact that co-accused persons have been granted bail by this Court, the petitioner is in custody since 09.06.2020, having no criminal antecedent and charge sheet has been submitted against the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Parihar Police Station Case No. 138 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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