

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3524 of 2021**

Arising Out of PS. Case No.-96 Year-2016 Thana- BALIYA District- Begusarai

Md. Sanaullah @ Sanaullah, son of Md. Jahagir, Resident of Ward No.4,
Chhoti Ballia Saidan Chak, P.S.- Ballia, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abul Kalam, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Ballia P.S. Case No. 96/2016 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 13.05.2016, when the informant, who is the manager of the Jayanti Petrol Pump, was taking meal inside the cash counter room, in the meanwhile, two miscreants came at the petrol pump and started abusing the staff and on the point of pistol snatched a total sum of Rs. 28,000/- and one golden Hanumani, thereafter all the miscreants fled away.



Learned counsel for the petitioner submits that petitioner has committed no offence and he has been falsely implicated in this case and his name has transpired in the confessional statement of the co-accused Chandan Kumar. Learned counsel submits that he is in custody since 26.09.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, the submissions of learned counsel for the petitioner that the investigation against the petitioner was kept pending for years and ultimately his name has transpired in the confessional statement of the co-accused Chandan Kumar, however there is no identification of the petitioner and no incriminating article has been recovered from him, he is in custody since 26.09.2019, otherwise, he has no criminal antecedent and the co-accused similarly situated have been released by the learned coordinate Benches of this Court, this Court directs release of the above-named petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 96 of 2016, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

