

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5190 of 2021

Arising Out of PS. Case No.-403 Year-2020 Thana- BUXAR District- Buxar

SANTOSH KUMAR@CHHOTU SON OF GUPTESHWAR YADAV
RESIDENT OF VILLAGE- BYPASS ROAD BUXAR, KOIRPURWA, P.S.-
BUXAR (T), DISTRICT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Buxar (Town) P.S. Case
no. 403 of 2020 registered under section 393 of the Indian Penal
Code.

As per allegation in the FIR, five named accused
persons including the petitioner herein, on the point of pistol
made an attempt to commit robbery in the shop. It is stated that
while the petitioner and others managed to escape the accused
Akshay Kumar was caught.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. He



was not caught at the place of occurrence. His name transpired on the confessional statement of co-accused Akshay Kumar made before the police. No incriminating article has been recovered from possession of the petitioner, who is in custody since 16.7.2020 and has no criminal antecedent. Co-accused Akshay Kumar has been enlarged on bail vide order dated 21.6.2021 passed in Cr. Misc. no. 4504 of 2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to co-accused Akshay Kumar, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Buxar (Town) P.S. Case no. 403 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar.

(Partha Sarthy, J)

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