

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7929 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- PRATAPGANJ District- Supaul

Sanoj Kumar Sah, Son of Raju Sah, Resident of Naya Tola, Ward No. 09,
Police Station- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
Pratapganj P.S. Case No.114 of 2020 registered for the offence
punishable under Section 392 of the Indian Penal Code.

It is alleged that the informant after collecting
money for his employer was on his way. The vehicle was being
driven by the petitioner-Driver of the employer. Some unknown



persons, four in number, have looted the money and assaulted the informant while the vehicle was stopped by the petitioner for easing himself.

The petitioner's counsel submits that the money has been taken by other accused. It is only in course of investigation that the informant has developed a theory that the petitioner has facilitated the loot by stopping the vehicle. Petitioner's *bona fide* is apparent from the fact that he had left the key in the car. If he had the intention to facilitate the loot, he would not have left the car keys in the car when he had gone to relieve himself. The looted money has also been recovered from co-accused. Even as per the FIR, the petitioner had gone to the police station which establishes his *bona fide*. He is in custody now since 26.08.2020 and he is having no criminal antecedent, as per the statement made in the bail application.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner has confessed his involvement that he was working in tandem with the other co-accused and has stopped the vehicle to facilitate the loot. In course of investigation, his confessional statement has been made.

Considering the rival submissions as also the facts



and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 S.D.J.M., Birpur (Supaul), in connection with Pratapganj P.S. Case No.114 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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