

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12663 of 2022

Arising Out of PS. Case No.-80 Year-2016 Thana- HAJIPUR SADAR District- Vaishali

SUNIL SAH, S/o Late Rajendra Sah R/o Village/Mohalla- Bag Musa, P.S.-
Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 80 of 2016, registered for the offences
punishable under Sections 395, 397 and 412 of Indian Penal
Code.

As per the allegation, six unknown persons entered
into the Bank and committed *dacoity* and looted an amount
of Rs. 8,27,927/- and also assaulted some of the staffs of
the Bank.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner was not named in the F.I.R. and his name has emerged only on the basis of confessional statement of one co-accused Mukesh Kumar. He also submits that similarly situated co-accused persons, namely, Md. Nizam, Mukesh Kumar, Uday Kumar, Jyoti Kumar Ranjan and Baiju Kumar have already been granted bail by different Benches of this Court vide orders dated 17.01.2017, 30.01.2017, 17.03.2017, 17.03.2017 and 07.04.2017, passed in Cr. Misc No. 1505 of 2017, Cr. Misc. No. 54019 of 2016, Cr. Misc. No. 6311 of 2017, Cr. Misc. No. 11630 of 2017 and Cr. Misc. No. 16026 of 2017, respectively.

The petitioner is in custody since 21.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of Anticipatory Bail or Regular Bail.

It has further been stated that the petitioner has been made accused in two more cases, namely, Lalganj P.S. Case No. 272 of 2007 and Kazi Mohammadpur P.S. Case No. 150 of 2016.



However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 80 of 2016 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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