

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13481 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- KAHALGAON District- Bhagalpur

SANTOSH KUMAR @ SANTOSH SAH Son of Sri Ashok Sah Resident of
Village- Kalgiganj, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 395/397 of
the Indian Penal Code and added Section 412 of Indian Penal
Code & 27 of the Arms Act.

The prosecution case in short is that the F.I.R. is lodged
against five unknown miscreants. Allegation is that altogether
Rs. 2,23,675/- was looted from private Finance Bank and
several mobile phones and laptops of the employees of the said
bank were also snatched.



Learned Counsel for the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner transpired on the basis of confessional statement of co-accused, namely, Ajnesh Paswan @ Ashish Paswan. No any incriminating article has been recovered from the possession of the petitioner and till date, only one witness has been examined in this case. Till date, no Test Identification Parade has been undertaken. It is further submitted that similarly situated persons have been granted bail by this Court in Criminal Miscellaneous No. 18513 of 2022 (Bhola Pandit), Criminal Miscellaneous No. 14283 of 2022 (Arjun Singh) and Criminal Miscellaneous No. 21760 of 2022 (Sunny Kumar @Rahul) *vide* order dated 18.08.2022 and 09.09.2022 respectively. Further, it is submitted that the petitioner is in custody since 09.08.2021, charge-sheet has been submitted in the case and has antecedent of five cases.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Vth, Bhagalpur in connection



with Kahalgaon P.S. Case No. 460 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

shanu/-

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

