

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13960 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- DUMRAO District- Buxar

Sanjay Singh @ Khesari Yadav Son of Mahanth Yadav Resident of Village -
Baraki Bharauli, P.s.- Nawanagar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Arun Kumar Gupta, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Dumraon P.S. Case No. 299 of 2021 for the
offences punishable under Sections 395 of the Indian Penal
Code.

As per prosecution case, it is alleged that on
03.08.2021 eight to ten accused persons having age between 20-
30 years entered into the bank by covering their face and on the
point of pistol they looted Rs. 7 lacs. It is also alleged that they
have also looted some of the other valuables from other persons



by making the informant and others as hostage.

It is submitted by the learned counsel appearing on behalf of the petitioner that the F.I.R. has been instituted against unknown miscreants, however during course of investigation the name of the petitioner has transpired on the confessional statement of other co-accused person and further on being arrested his self confession was also recorded in this case. It is next submitted that during course of investigation no incriminating materials much less any looted article has been recovered from the persons or possession of this petitioner, nor he has been put on Test Identification Parade and save and except the suspicion that too on account of the past criminal antecedent, there is no other materiel which suggests the complicity of the petitioner in the present crime.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying multiple criminal antecedent and during the course of investigation his involvement has been found in the present crime.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the F.I.R. is instituted against unknown person and no incriminating material



or any looted article has been found from the person or possession of this petitioner and moreover, one of the co-accused person having identical allegation has already been granted bail by learned co-ordinate Bench of this Court passed in Cr. Misc. No. 6886 of 2021 vide order dated 16.05.2022 and this petitioner is in custody since 21.09.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 299 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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