

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14072 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- KORHA District- Katihar

Sikandar Mehra, Son of Late Sattan Ram, R/O - Patti Pachma, P.S.- Korha,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 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. Sanjeev Kumar Singh, learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Korha P.S. Case No. 235 of 2021 registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant was returning from his Pick-Up van, in the meanwhile, four miscreants intercepted him, however, the informant suspected the presence of the petitioner and allegedly



identified. It is further alleged that the miscreants assaulted the informant and on the point of pistol they fled away with the vehicle.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor the alleged looted vehicle was seized from the person or possession of this petitioner. It is next submitted that from the tenor of the F.I.R., it is evident that all the accused persons assaulted the informant and thereafter looted the Pick-up Van and as such there was no reason or occasion not to identify the petitioner in true sense. However, in the F.I.R., it is alleged that one of the co-accused appears to be like Sikandar Mehra and as such in the name of the accused column of the F.I.R., it is mentioned as suspected accused Sikandar Mehra. It is further submitted that this petitioner is in custody since 26.12.2021 having a man of fair antecedent and moreover no other incriminating material has come, which suggests the complicity of the petitioner and the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of



investigation the statement of the informant has been recorded and he categorically stated with regard to the presence of the petitioner and further one of the co-accused, namely, Ranjit Ram, has also disclosed in his confessional statement about the involvement of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has been implicated on suspicion and apart from the fact that he was neither arrested at the spot nor any incriminating material, much less looted article, has been recovered from his person or possession, and this petitioner is in custody since 26.12.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted, 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, Katihar in connection with Korha P.S. Case No.235 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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