

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18961 of 2022

Arising Out of PS. Case No.-124 Year-2013 Thana- BRAHMPURA District- Muzaffarpur

Subodh Das @ Subodh Sah Son Of Bishundeo Das @ Bindeshwari Das R/O -
Bairiya Paigambarpur Kothua, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 120 of 2022, arising out of Brahampur

P.S. Case No. 124 of 2013, dated 25.06.2013, registered

for the offences punishable under Sections 342, 323, 504,

506, 307, 302, 452, 384 and 34 of the Indian Penal Code

and Section 27 of the Arms Act.

As per allegation, 20 unknown persons entered into

the shop of the informant and demanded an amount of Rs.

10,000,00/- as extortion money. It is further alleged that on

objection, they started assaulting the informant by means of



hand, leg and rod and when his worker, namely, Vinay Kumar Mishra came to his rescue, two accused persons, namely, Chandan Kumar Bhagat and Pawan Bhagat had shot fire, which hit the chest of the the aforesaid worker, due to which he died.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the petitioner is not named in the F.I.R. and his name has emerged from the confessional statement of one co-accused, namely, Sudhanshu Suman @ Suman Shrivastava, who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.02.2017, passed in Cr. Misc. No. 691 of 2017. He also submits that no T.I.P. has been conducted till date. He further submits that the petitioner was not present at the alleged place of occurrence. He also submits that similarly situated other co-accused persons, namely, Gautam Sah, Pushkar Sharma, Manoj Bhagat, Santosh Thakur @ Santosh Kumar, Paras Bhagat @ Paras Nath Bhagat @ Paras Nath Singh, Manjay Paswan, Mithu Ram, Bipin Singh, Pappu



Sahani @ Amit Kumar Sahni and Aditya Prakash @ Balajee have already been enlarged on bail by different co-ordinate Benches of this Court vide orders dated 22.06.2022, 03.05.2019, 27.04.2017, 11.04.2014, 02.04.2014, 10.06.2014, 04.03.2014, 14.11.2013, 25.10.2013 and 30.09.2013, passed in Cr. Misc. No. 5043 of 2022, Cr. Misc. No. 25997 of 2019, Cr. Misc. No. 16865 of 2017, Cr. Misc. No. 7432 of 2014, Cr. Misc. No. 3650 of 2014, Cr. Misc. No. 19733 of 2014, Cr. Misc. No. 48993 of 2013, Cr. Misc. No. 43586 of 2013, Cr. Misc. No. 35560 of 2013 and Cr. Misc. No. 36478 of 2013, respectively.

The petitioner has been languishing in jail since 14.08.2021.

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 in paragraph no. 3 that the petitioner has earlier been made accused in one case, namely, Brahampura P.S. Case No. 145 of 2006.

However, the learned APP for the State opposes



the prayer for bail.

Considering the aforesaid 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 Additional District and Sessions Judge – 1, District – Muzaffarpur in connection with Session Trial No. 120 of 2022 arising out of Brahmpur P.S. Case No. 124 of 2013 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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