

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28390 of 2021

Arising Out of PS. Case No.-135 Year-2018 Thana- BHAGWANPUR District- Vaishali

1. SACHIN KUMAR @ SACHIN KUMAR SAH Son of Shambhu Sah
Resident of Village - Dharhara, P.S.- Sarai, Distt.- Vaishali.
2. Sunny Kumar @ Sunny Kumar Mahto Son of Shyam Kishore Mahto
Resident of Village - Dharhara, P.S.- Sarai, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners, who are in custody since 18.12.2020,
seeks regular bail in connection with Bhagwanpur P.S. Case No.
135 of 2018, for the offence punishable under Section 394 of the
Indian Penal Code.

The prosecution case, in brief, is that on 25.07.2018,
the informant after completing his day's work, was proceeding
for verification of the vouchers to the branch at Prataptad by a
motorcycle belonging to Jalandhar Paswan and in the route at



Chaksalem Chowk @ Brahmdev Chowk some unknown persons riding over two motorcycles intercepted them and thereafter started abusing and threatening to kill him. It is further alleged that while abusing, said unknown criminals started assaulting him with the butt of the pistol and in consequence thereof the informant received injuries and started bleeding profusely. It is alleged that thereafter, the miscreants snatched the bag so being carried by informant, his mobile and the mobile of the Chowkidar on whose motorcycle the informant was hitch riding. It is further alleged that the bag so snatched from informant was containing several keys and the documents relating to bank. The occurrence of snatching is alleged to have taken place at 4.13 P.M. in the evening. It is even further alleged that after snatching the articles when the miscreants while leaving the place opened a fired.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the name of petitioners has surfaced in this case on the confessional statement of co-accused Sonal Sah, which was taken in the Police custody in connection with Bidupur P.S. Case No. 455 of 2018, as such no case is made against the petitioner under



Section 394 of the Indian Penal Code.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the name of the petitioners has surfaced in this case on the basis confessional statement of co-accused Sonal Sah in the Police custody, nothing has been recovered from the conscious possession of the petitioners, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 135 of 2018, subject to the condition that the petitioners will make their attendance before the S.H.O. of the concerned Police Station on every Saturday of the week at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the concerned Superintendent of Police till the conclusion of the trial, if there is even a single day default, without any valid reason, the bail bonds of the petitioners shall, automatically, be cancelled as well as subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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