

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22567 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- BAJPATTI District- Sitamarhi

Shambhu Sah Son Of Budhan Sah R/O Village- Basaha, Ward No.-08,
Madhuban, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bajpatti P.S.Case No. 13 of 2022 for the
offences punishable under Sections 399,402,413 and 414 of
the Indian Penal Code and section 25(1-B) a, 26 and 35 of
the Arms Act and section 8,20(b) (ii) (c) and 22 of the
NDPS Act.

As per the prosecution case, it is alleged that the
police on secret information, raided an orchard where 12-13
miscreants have assembled to commit crime and three



persons were apprehended. It is further alleged that apprehended person disclosed that all the accused persons used to commit dacoity and thereafter, looted articles were sold to co-accused Kaplishwar Kumar@ Kapileshwar Sah and some time they used to sell to this petitioner.

It is submitted by the learned counsel for the petitioner that admittedly, the petitioner is a gold smith and the alleged recovered article was not the stolen property rather the same was kept in the shop of the petitioner for the purpose of business. It is next submitted that one of the co-accused namely, Kaplishwar Kumar @ Kaplishwar Sah on whose confession recovery has been made from the accused persons, has been granted bail by co-ordinate Bench of this court in Cr. Misc. No. 19619 of 2022 vide order dated 11.07.2022 . Save and except the disclosure made by the accused persons, there is no other material which suggests the complicity of the petitioner in the crime. It is lastly submitted that petitioner is in custody since 21.01.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.



Having heard the rival contentions of the parties and taking into consideration the fact that co-accused persons having similar allegation has been granted bail and moreover, the petitioner is gold smith and having a jewellery shop . Investigation has been completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Bajpatti P.S.Case No. 13 of 2022 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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