

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24054 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

Satyajit Kumar @ Sujit Gore @ Kumar, Son Of Jay Kumar Gond, R/O
Village- Gausganj, P.S.- Ara Town, District- Bhojpur At Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28371 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

Ashish Yadav, Son Of Nawal Kishore Yadav @ Nawal Kishore Prasad, R/O
Village- Gausganj, P.S.- Ara Nagar, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24054 of 2022)

For the Petitioner/s : Mr.Surj Bansh Roy, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 28371 of 2022)

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

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-09-2022 Since both the applications arise out of Ara Mufassil

P.S. Case No. 105 of 2021, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Ara Mufassil P.S. Case No.105 of 2021, registered for the alleged offence under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Section 302 IPC was added.

As per the prosecution case, a dacoity was committed in a branch of bank by five miscreants. Cash was looted and one of the miscreants received a gunshot injury in the firing made by another miscreant. Subsequently, he died. During investigation, the name of the petitioners transpired as accused persons who committed the crime.

It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not been named in the FIR and nothing incriminating has been recovered from their conscious possession. It has been submitted on behalf of the petitioner Satyajit Kumar that no Test Identification Parade has been conducted and for the same occurrence, three FIRs were registered. It has been submitted on behalf of the petitioner Ashish Yadav that though recovery of one country made pistol



and 40 currency notes along with wrapper bearing stamp of a branch has been shown from the petitioner, but he denied the same as his signature was obtained on a number of papers and the same has been used for making preparation of seizure list and all the witnesses are police personnel. Moreover, no steps have been taken to get the recovered pistol and cartridge to match with the arms and ammunition used in the occurrence. It has further been submitted that the other co-accused persons, namely Nitish Kumar Singh, Ajit Kumar Rai and Himanshu Singh have been granted bail by different Coordinate Bench of this Court vide orders dated 29.03.2022, 18.05.2022 and 17.05.2022 passed in Cr. Misc. Nos. 60082 of 2021, 71464 of 2021 and 70122 of 2021, respectively. The petitioners are in custody since 26.07.2021 and 22.06.2021, respectively. Charge sheet has been submitted against the petitioners.

Learned APP opposes the prayer for bail submitting that the recovery of pistol and looted cash have been made from the petitioner Ashish Yadav, though no such recovery has been made from the petitioner Satyajit Kumar. During investigation, it also transpired that the accomplice of the petitioners died in the firing made by the petitioner Ashish Yadav.

Perused the records.



Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that recovery of pistol and looted cash has been shown from the petitioner Ashish Yadav with further allegation that this petitioner used the firearm and opened fire in a bank resulting in injury to co-accused, who subsequently died, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer of the petitioner **Ashish Yadav** is hereby **rejected**.

However, considering the fact that no recovery has been shown from the petitioner Satyajit Kumar and his case is similarly placed with other co-accused persons who have been granted bail and also considering his period of custody and submission of charge-sheet, he is directed to 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 Additional Sessions Judge-XI, Bhojpur at Ara, in connection with Sessions Trial No. 275 of 2021 arising out of Ara Mufassil P.S. Case No. 105 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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