

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29360 of 2022**

Arising Out of PS. Case No.-394 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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SAJJAN KUMAR @ SAJAN KUMAR SON OF MAKHANDEV KAMTI
R/O VILLAGE- MOHANPUR, CHOUMUKH, P.S.- BIHARIGANJ,
DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 394 of 2021 registered for the
offence under Sections 392 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2022.

The allegation against the petitioner is to commit
robbery and while committing so, taken away purse, belongs to



the informant along with two named co-accused persons, namely, Mohd. Afsar Alam and Pankaj Kumar.

Learned counsel appearing on behalf of the petitioner submitted that as the petitioner apprehended in Udakishunganj P.S. Case No. 393 of 2021, he has been falsely implicated in the present case, on the basis of suspicion, as the same was also occurred during the day at same time interval. It is also submitted that alleged firearms was recovered from co-accused, namely, Mohd. Afsar Alam and purse of informant was recovered from co-accused, namely, Pankaj Kumar. It is further pointed out that allegation against this petitioner is limited to drive the alleged motorcycle without specifying any overt act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as no overt act attributed to this petitioner towards commission of present occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Udakishunganj P.S. Case No. 394 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Udakishunganj, Madhepura/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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