

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33191 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BARHARA District- Bhojpur

Sugrim Kumar Sah Son of Late Badan Sah Resident of Village - Nek Nam
Tola, P.s.- Barhara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhash, Advocate Mr. Raju Kumar, Advocate Mr. Pradhan Murli Manohar PD, Advocate
For the Opposite Party/s :		Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 petitioner seeks bail in connection with Barhara P.S. Case No. 56 of 2022 registered for the alleged offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, four miscreants surrounded the informant who was on a motorcycle and on gun point snatched his mobile phone and when the informant resisted, he was shot at in his waist. All four miscreants fled away on their motorcycle.



The name of the petitioner transpired as an accused during investigation.

Learned counsel for the petitioner submits that the petitioner was not named in the F.I.R. and was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. On the basis of call details of the looted mobile, co-accused Pankaj Kumar was arrested and in his confession he named co-accused Ravi Kumar. This co-accused Ravi Kumar is on inimical terms with this petitioner and he further named this petitioner in his confessional statement. Even from the F.I.R., it is apparent that there is no specific allegation of firing against the petitioner. Though the petitioner was identified by the informant during the Test Identification Parade but nothing specific has been stated against him by the informant. Charge sheet has been submitted in this case and the petitioner is in custody since 28.02.2022. Another co-accused Pankaj Modi was granted bail by a Coordinate Bench of this court vide order dated 29.08.2022 passed in Cr. Misc. No. 31410 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of this petitioner and submission of charge sheet,



the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Barhara P.S. Case No. 56 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

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