

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42771 of 2021**

Arising Out of PS. Case No.-299 Year-2019 Thana- GAIGHAT District- Muzaffarpur

SANTOSH KUMAR @ SANTOSH SAHANI Son of Jagarnath Sahani
Resident of Village - Jagai Majhauri, P.S.- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani
For the Opposite Party/s : Ms.Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 01-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Gayaghat Police Station Case No. 299 of 2019, registered for
the offences punishable under Section 394 of the Indian Penal
Code.

The prosecution case, as per the First Information
Report, is that three unknown miscreants stopped the vehicle of
the informant, fired upon him, which hit the mobile phone of the
informant kept in his pocket and snatched away a sum of Rs.
20,000/- from his pocket and while fleeing away, the accused
persons assaulted him by means of knife.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the basis of



his confessional statement recorded in Bochahan Police Station Case No. 327 of 2019 and the petitioner has been remanded in this case on 26.11.2019. He further submits that no incriminating material and/or looted articles has been recovered from the possession of the petitioner and he has also not been put of Test identification Parade despite the fact that he is in custody since 26.11.2019.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that no incriminating material has been recovered from the possession of the petitioner, except his confessional statement, there is no material to connect the petitioner with the present offence, no Test Identification Parade has been conducted by the police as yet, charge sheet has already been submitted and the petitioner is in custody since 26.11.2019, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 15th Additional Chief Judicial Magistrate, Muzaffarpur,



in connection with Gayaghat Police Station Case No. 299 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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