

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35179 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- KORHA District- Katihar

SATYAM KUMAR Son of Chandra Kishore Prasad Singh Resident of Village
- Madhuban, P.S.- Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Pandey

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Korha
P.S. Case No. 114 of 2022 registered for the offences punishable
under Sections 392, 307 of the Indian Penal Code and 27 of the
Arms Act.

As per prosecution case, informant was going
alongwith his driver towards Kheriya Haat from Purnea
containing cash of Rs. 16,30,000/- which was kept inside the
dickey of his vehicle as described in the FIR. In the way near
Musapur three miscreants on one motorcycle intercepted the
informant and fired but the informant escaped unhurt. It is



further alleged that on the point of pistol the miscreants took away the bag of the informant containing Rs. 16,30,000/-. Hence, the FIR has been registered against unknown.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name surfaced in this case on the confessional statement of co-accused Guddu Kumar. He further submits that petitioner is working as a staff for more than ten years and fardbeyan bears signature of the informant but the FIR has been lodged against unknown. He further submits that petitioner is in custody since 13.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article or looted money has been recovered from the possession of petitioner. It appears from the seizure list that from possession of co-accused Guddu Kumar KTM motorcycle as well as Rs. 3,50,000/ and one mobile have been recovered. It also appears from the seizure list that from possession of co-accused Md. Tabarak one mobile, Rs. 1,75,000/, one loaded country made pistol and two live cartridges have been recovered. It also appears from the seizure list that one mobile has been recovered from possession of co-accused Prince Kumar whereas one mobile of Realme company



has been recovered from possession of the petitioner. He also submits that the mobile which has been seized from possession of the petitioner belongs to him. Except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 114 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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