

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45530 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DHANSOI District- Buxar

SATISH KUMAR @ SATISH KUMAR PRASAD SON OF ASHOK
KUMAR R/O MOHALLA- THANA ROAD, BUXAR, P.S.- BUXAR
TOWN, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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

Dhansoi P.S. Case No. 48 of 2022 registered for the

offences punishable under Sections 393 of the Indian Penal

Code read with Sections 25(1-b)A/26 of the Arms Act.

As per prosecution case, when the informant

reached his shop for checking then he heard some noise

inside the shop. It is further alleged that the informant

raised alarm then one Lali Yadav also reached there to help



the informant. On opening the shop, three persons were found inside there and meantime they started to beat Lali Yadav. On making noise by informant, local people assembled there. On search of the shop, it was found that the accused persons tried to cut/broke the Almirah inside the shop, eastern side shutter of the shop has been broken. Iron rod and bullets have also been found inside the shop.

Learned counsel for the petitioner submits that petitioner is in custody since 10.05.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been transpired upon the confessional statement of Gopal Kumar alias Nirhu. Nothing has been recovered from the conscious possession of the petitioner. Except confessional statement, there is nothing on record to demonstrate the connectivity of the present 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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nothing has been recovered from the conscious possession of the petitioner as submitted, argument advanced on behalf of the petitioner 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 Additional Chief Judicial Magistrate – III, Buxar in connection with Dhansoi P.S. Case No. 48 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 without appropriate permission 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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