

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51339 of 2021

Arising Out of PS. Case No.-118 Year-2019 Thana- AKHODHIGOLA District- Rohtas

ANUP SAH @ RUPA SAH @ ANUP Son of Lok Nath Sah Resident of
Village - Rotwan, P.S.- Baghaila, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP.
For the Informant	:	Mr. Bachan Jee Ojha, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajani Kant Singh, learned counsel for the petitioner, Mr. Bachan Jee Ojha, learned counsel for the informant as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Akorhigola P. S. Case No. 118 of 2019 registered for the offences punishable under Sections 394 and



302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the informant was coming from the market after collecting money, in the meantime, three miscreants came on a motorcycle and snatched a bag from Amit Kumar and in the process of snatching in retaliating to the resistance, one of the miscreants fired upon the head of Amit Kumar, which resulted into his death.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner has transpired on the confessional statement of co-accused Shashi @ Sanni Mahto @ Sanni Dewal. It is further submitted that the petitioner has neither been identified by any independent witness nor from the CCTV footage, which has been looked into by the Investigating Officer. It is next submitted that other co-accused persons namely, Golden Singh @ Sushil Kumar @ Sushil Singh in Cr. Misc. No. 21363 of 2020, Dilip Gupta in Cr. Misc. No. 2220 of 2021, Ajit Yadav in Cr. Misc. No. 25449 of 2021 and Chhotu Ram in Cr. Misc. No. 26772 of 2021, having similar allegation have already been granted bail by learned co-ordinate Benches



of this Hon'ble Court. Copies of which have been produced before this Court and the same have been kept on record. It is lastly submitted that this petitioner is in custody since 04.06.2020, however, up till now neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. Save and except the confessional statement of co-accused persons, there is no other material.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that this is a case of broad day light loot and murder wherein all the co-accused persons by hatching a conspiracy committed murder of the deceased and snatched the money. It is next submitted that during the course of investigation, materials have come and the police after having found the case true submitted charge sheet against the petitioner. It is also submitted that out of ten charge sheeted witnesses, four of them have already been examined.

Learned APP for the State opposes the bail application and submits that the petitioner is one of the associates of the gang, who has committed murder of the deceased.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession and he is in custody since 04.06.2020 but up till now he has not been put on T.I.P., apart from the fact that other co-accused persons having identical allegation have already been granted bail by learned co-ordinate Benches of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dehri-on-Sone, District Rohtas in connection with Akorhigola P. S. Case No. 118 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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