

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41625 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- GAYA KOTWALI District- Gaya

SIKANDRA @ MD. SIKANDAR @ MD. SIKANDER S/O MD. NIZAM @
MD. NAZIM Resident of village- Nizam Colony, Abgila, P.S.- Muffasil,
District- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 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 Kotwali
P.S. Case No. 280/2021 registered for the offences punishable
under Sections 399 and 402 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the allegation against the
petitioner is that he alongwith other co-accused persons were
making preparation to commit dacoity. Four persons were
apprehended on spot namely Rajesh Pathak, Ashish Kumar,
Binod Pd. Yadav and Chhotu @ Md. Gulzar and they disclosed
the name of petitioner and other who fled away from the place



of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 05.04.2022 and bears criminal antecedent of 02 cases in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. Apprehended co-accused namely Rajesh Pathak, Ashish Kumar, Binod Pd. Yadav and Chhotu @ Md. Gulzar disclosed the name of present petitioner and other. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the said apprehended co-accused namely Rajesh Pathak, Ashish Kumar, Binod Pd. Yadav and Chhotu @ Md. Gulzar have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. Nos. 65852/2021, 3574/2022, 66114/2021 and 67774/2021 respectively and the case of present petitioner stands on better footing, keeping in view he is not apprehended on the spot.

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, apprehended co-accused have already been granted bail, argument 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 280/2021, 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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