

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43165 of 2022

Arising Out of PS. Case No.-325 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Santosh Kumar @ Santosh Sahani Son of Jagarnath Sahani Resident of
Village - Jagai Majhauili, P.s.- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Bochahan P.S. Case No. 325 of 2019 registered for the offences
punishable under Sections 395 and 397 of the Indian Penal
Code.

As per the prosecution, the informant and office
colleagues were assaulted and looted by eight unknown persons
at the alleged place. Further it is alleged that a bag which
contained keys and some documents along with some cash were
looted.



The main submissions advanced by the learned counsel Mr. Hari Kishore Thakur for the petitioner are that the petitioner has been languishing in jail since 19th June, 2020 and till now his trial has not commenced and as per the prosecution some articles connected to the subject-matter of the loot of the present matter were allegedly recovered from the possession of this petitioner regarding which an other P.S. case was lodged in which the petitioner has got bail but the recovered said articles were not put on Test Identification Parade and similarly situated co-accused persons namely Golu Kumar and Manoj Sahani have been granted bail by co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos. 498 of 2021 and 53217 of 2021 respectively.

Learned APP Mr. Ram Naresh Ray appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The instant matter relates to robbery committed by the accused persons with the bank officials on the point of knife and pistol and while committing the offence of loot the accused persons assaulted the bank officials with the said weapons and during the course of investigation in connection with Bochahan P.S. Case No. 327 of 2019 incriminating



materials were recovered in which some of them had a connection to the looted articles of the present matter. In view of the recovery of the said articles from the possession of the petitioner, he does not deserve to the privilege of regular bail however, considering his long custody period and the stage of his case and also the fact that some co-accused persons allegedly involved in the alleged occurrence are on bail, the interest of justice demands a lenient approach towards the petitioner's prayer but it should be only provisionally. Accordingly, let the petitioner be enlarged on bail provisionally for period of one year on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bochahan P.S. Case No. 325 of 2019 and during the said period the petitioner shall make his attendance in the police station concerned fortnightly where he presently resides and the report of his attendance will be sent by the SHO concerned to the Court concerned where the present case is pending and if any further activity of the petitioner in other offence is again found then the SHO of PS concerned shall submit a report along with attendance report to the Court concerned and on such report the Court below shall take a serious action against the petitioner by



cancelling his bail bond. If during the period of provisional bail, petitioner is not found to be involved in any other criminal cases and his conduct remains cooperative to the Court below then on being satisfied by his conduct the Court below shall confirm his provisional bail.

(Shailendra Singh, J.)

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