

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57573 of 2021

Arising Out of PS. Case No.-381 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Sanjay Sharma @ Sanjay Kumar son of late Awadh Kishor Singh, R/o of
Village Mandaul, PS Chandauti (Chakand), District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Ritika Rani, Adv
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 30-03-2022 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 120B, 408, 409, 420, 465, 466, 468, 470, 471, 477A/34 of the Indian Penal Code.

Informant in his written report has alleged that on 24.06.2018, 27.06.2018 and 29.06.2018, Armoury of Samastipur district was inspected by a Committee and as per its report, 3817 bullets of 9 M.M, 110 bullets of 0.33 M.M, 49 bullets of 7.62 M.M x 39, and 26 bullets of 5.56 M.M were found missing and thereafter the present FIR was instituted.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case on mere suspicion. The petitioner was posted in police line Samastipur



from July 2012 to December 2015 in the Court of Inquiry Branch and he has no concern with the alleged misappropriation of ammunition at KOT Branch (Ammunition Store). The KOT Branch (Ammunition Store) is constituted under Rule 1104 (a) of the Police manual whereas Court of Inquiry Branch is constituted under Rule 1107(a) of the Bihar Police Manual and considering this fact Sub Divisional Police Officer, Samastipur, has filed report of innocence of petitioner in the present case. During course of investigation, it has come that petitioner being constable was deputed in the Court of Inquiry Branch since 2013 and he has no concern with KOT Branch (Ammunition Store). There is no material on record to show that petitioner at that time was posted in KOT Branch (Ammunition Store). Petitioner has got no criminal antecedent and is in custody since 28.07.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Samastipur Muffasil P.S. Case No. 381 of 2018**, with following conditions:-

(1) Both the bailors shall be the resident of territorial jurisdiction of the learned court-below.



(2) The petitioner shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(S. Kumar, J)

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