

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67443 of 2021**

Arising Out of PS. Case No.-212 Year-2021 Thana- SAHARSA SADAR District- Saharsa

SIKANDAR KUMAR @ SIKENDRA KUMAR S/O JAI NARAIN MEHTA
R/o village- Ramnagar, Bharna, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rashmi Jha

For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 27-09-2022 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 Saharsa P.S. Case No. 212 of 2021 registered for the offences punishable under Section 394 of the Indian Penal Code.

As per prosecution case, on 02.03.2021 the informant was going to deposit seven lacs in Bank, in the way four persons came on two motorcycles and snatched the bag containing rupees seven lacs and two cheques amounting to Rs. 80,000/- and 5,00000/-. It is further alleged that miscreants fired upon the informant which hit the leg of informant.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and during course of investigation his name has been surfaced in this case on the confessional statement of co-accused Ashu Kumar. Petitioner is in custody since 28.03.2021 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is one seizure list which has been shown in two cases i.e. Bakhtiyarpur P.S. Case No. 75 of 2021 and the present case. Basically nothing has been recovered from the possession of the petitioner. Petitioner is quite innocent and has falsely been implicated in this case. He further submits that except confessional statement of co-accused Ashu Kumar, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that no TIP has been conducted in the case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 212 of 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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