

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17303 of 2023

Arising Out of PS. Case No.-82 Year-2009 Thana- WAJIRGANJ District- Gaya

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Satyendra Giri @ Satyendra Bharti S/O Lalji Giri @ Bharti Giri Resident Of
Village- Sahilpathra, P.S.- Tankuppa (Wazirganj), District- Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the Defect(s) as pointed out by the office be
ignored for the present.

The petitioner seeks bail in connection with Wazirganj
P.S. Case No. 82 of 2009 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.02.2022.

The allegation against the petitioner is to commit
dacoity alongwith other unknown co-accused persons, while
committing so taken away cash and valuables of informant and
others, where during the course of occurrence, police force
arrived on sudden and an exchange of fire was made, causing



death of one of the co-accused on the spot itself. It is alleged that accused persons were in age group of 20-25 years.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation purely on the basis of suspicion out of supervision note of S.D.P.O. It is submitted that out of said suspicion, no incriminating material recovered/surfaced during the course of investigation to connect petitioner with present occurrence. It is submitted that police falsely implicated this petitioner to save police personnels causing death of one alleged co-accused during course of occurrence. It is submitted that no TIP was conducted. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as save and except suspicion, nothing incriminating material surfaced against this petitioner during the course of investigation to connect him *prima facie* with present occurrence of dacoity, coupled with the fact that charge-sheet



has already submitted, where petitioner is in custody since 28.02.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Wazirganj P.S. Case No. 82 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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