

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21934 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- SUPAUL District- Supaul

SANTOSH SWARNKAR @ SANTOSH SAH Son of Late Ganeshi Swankar
R/V- Telba, Ward no. 11, PS and Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-04-2023 Heard the parties.

The petitioner has renewed his prayer for regular bail in connection with S.T. No. 281 / 2021 arising out of Supaul P.S. Case No. 33 of 2021 dated 11.01.2021 registered for the offence under Section 395 of the IPC and Section 3 / 4 of the Explosive Substance Act inasmuch as earlier bail application of the petitioner was dismissed vide order dated 7.12.2022 passed in Cr. Misc. No. 69131 of 2022.

The allegation as per the First Information Report is that 5-6 unknown miscreants entered into the house of the informant and committed dacoity on gun point and looted a sum of Rs.1,00,000/- in cash, 200 grams of gold ornaments, 5 KG silver ornaments etc.



Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. He further submits that petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of the co-accused / Badal Paswan. He next submits that the co-accused / Pramukh Paswan, Gopal Prasad Yadav, Badal Paswan and Sonu Sharma have been enlarged on bail by this Court vide Cr. Misc. Nos. 41676 of 2022, 51133 of 2022, 11665 of 2022 and 73164 of 2022 respectively. He next submits that a few gold ornaments were allegedly recovered from the shop of the petitioner but no T.I.P. was conducted for the looted articles. The petitioner has got no criminal antecedent and he is in custody since 22.01.2021.

Taking into consideration the fact that petitioner is in custody since 22.01.2021 i.e. for almost two years, the fact that similarly situated co-accused persons have been granted bail by this Court and the petitioner is having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV,



Supaul, in connection with S.T. No. 281 / 2021 arising out of
Supaul P.S. Case No. 33 of 2021 subject to the condition that
the petitioner shall remain present on each and every date during
the course of trial and in case of default on two consecutive
dates on the part of the petitioner, his bail bond shall liable to be
cancelled.

(Anil Kumar Sinha, J)

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