

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29474 of 2023

Arising Out of PS. Case No.-53 Year-2021 Thana- MARANCHI District- Patna

SANOJ KUMAR @ SANOJ BIND Son of Ranjay Bind R/V- Dumra Diyara
Janjira, Ps- Maranchi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
28.12.2022 in connection with Maranchi (Pachmahla O.P.) P.S.
Case No.53/2021, dated 26.05.2021, for the offences punishable
under Sections 399, 402, 353, 332, 307 of the IPC & Sections
25(1-b)a, 25, 27 and 35 of the Arms Act.

3. The case set up by the prosecution is that on the
information received by the informant that some criminals are
making plan to commit dacoity, informant raided a place. On
seeing police party all the named accused persons including the
petitioner started indiscriminate firing on the police party. In the
cross firing, co-accused namely Santosh Kumar @ Chuhwa
sustained fire arm injury in his right hand but he managed to flee



away along with other accused persons.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list, it appears that nothing incriminating article has been recovered from possession of the petitioner and the petitioner was not arrested from the spot. He further submits that co-accused, namely, Santosh Kumar @ Chuhwa, Bhusan Bind @ Bhusan Singh Nishad and Md. Raja have been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2022, 12.04.2022 & 09.12.2022 passed in Cr. Misc. No.387/2022, Cr. Misc. No.8986/2022 & Cr. Misc. No. 54725/2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri R. Barnwal, J.M., Barh in connection with Maranchi (Pachmahla O.P.) P.S. Case No.53/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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