

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24249 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- SURSAND District- Sitamarhi

1. SACHINDRA KUMAR YADAV son of Phakira Rai Resident of Village - Basatpur, Ward No. 8, Police Station - Srinagar, District - Sarlahi (Nepal).
2. Bhola Sah @ Shambhu Sah Son of Late Jugal Sah Resident of Village - Basatpur, Ward No. 8, Police Station - Srinagar, District - Sarlahi (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Adv

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 07-02-2023 Heard learned counsel for the petitioners and learned APP
for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Sursand P.S. Case No. 522 of 2021 registered under Section 395 and 397 of the Indian Penal Code and Section 3/4 of Explosive Act.

15-20 unknown persons have entered the informant's house and committed *dacoity*. They took away ornaments, cash, mobile phone, watch, etc.



Learned counsel for the petitioners submit that petitioners were arrested in connection with Sursand P.S. Case No. 561 of 2021 on 10.12.2021. They, thereafter, have been remanded in this case on 24.01.2022. The submission is that the petitioners' remand is only on account of their antecedents giving rise to conjectures and surmises regarding their involvement in the instant case, which has been inserted in the confessional statement of co-accused during the course of investigation. There is no recovery from the petitioners in this case nor they have been put on T.I. Parade. Similarly situated co-accused Santosh Kumar has been allowed bail in Cr. Misc. No. 25162 of 2022. Investigation is complete.

Learned APP submits that they were arrested in Sursand P.S. Case No. 561 of 2021. Articles were recovered from the petitioners and in connection with this case, there is a confessional statement of co-accused in paragraph 17 of the case diary.

Considering the rival submissions, manner of petitioners' implication, they have not been put of T.I. Parade, no recovery from the petitioners, claim based on parity, and period of custody, as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the



submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in Sursand P.S. Case No. 522 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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