

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27119 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- BARH District- Patna

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Satyam Shekhar @ Satyam Shekhar Jha @ Major Son Of Sri Chandra Shekhar Jha @ Madhusudan Jha Resident of Village - Chondi, P.S. - Barh, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 27.01.2023 in connection with Barh P.S. Case No. 37 of 2022, F.I.R. dated 20.01.2022 for the offences punishable under Sections 384 and 385 of the Indian Penal Code.

4. According to prosecution case, the informant has alleged that he and his son were called upon by the caller and demanded Rs. 5 lakh with threat that in absence of the demand he will face dire consequences.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Rutendra Kumar @ Gore Lal. He further submits that except the confessional statement of the co-accused person and the confessional statement of the petitioner, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the mobile phone bearing no. 9631770723 does not belongs to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sujit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 25125 of 2022 and another co-accused, namely, Abhishek Kumar @ Golu has been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2022 passed in Cr. Misc. No. 33673 of 2022. The petitioner is in custody since 27.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries three criminal antecedents other than the present one.

7. 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 the learned 1st Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 37 of 2022, 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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