

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29906 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- MOKAMA RAIL P.S. District- Patna

Sajan Kumar, Son of Sri Satendra Prasad, Resident of village - Akangar Sarai,
Chakakil, P.S. - Akangar Sarai, Dist. - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Sessions Trial No.1533 of 2022 arising out of Rail Mokama (Hathidah) P.S. Case No.90 of 2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code.

The accused/petitioner is named in the FIR and is in custody since 22.10.2022.

Allegation against the petitioner is to involve in preparation for dacoity along with other co-accused persons.

It is submitted by learned counsel that even narration of FIR is not suggesting that petitioner was preparing for dacoity rather same is suggesting that the gathering was to



commit some cognizable offence. It is submitted that similarly situated co-accused persons, namely, Sumit Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.29947 of 2023 dated 13.06.2023. It is also submitted that just to aggravate the allegation, a piece of blade was shown to be recovered from possession of the petitioner by police, where seizure list is appearing doubtful being not supported by the independent witnesses rather by police personnels. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as even in narration of FIR is not suggesting that petitioner was gathered for preparation of dacoity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.10.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Patna in connection with Sessions Trial No.1533 of 2022, arising out of Rail Mokama (Hathidah) P.S. Case No.90 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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