

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31760 of 2022**

Arising Out of PS. Case No.-146 Year-2021 Thana- DEEPNAGAR District- Nalanda

Satyendra Singh @ Mikki Singh Son of Viresh Singh @ Diresh Singh
Resident of Village - Alaudiya, Police Station- Manpur, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Imteyaz Ahmad, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Imteyaz Ahmad, learned counsel appearing on behalf of the petitioner and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Deepnagar P.S. Case No. 146 of 2021 registered for the offences punishable under Sections 399, 402, 411, 120B read with 34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it has been alleged that on a tip off regarding assemblance of some criminals for committing robbery, the informant, who happens to be a Sub-



Inspector of Deep Nagar Police Station reached at the place of occurrence along with other police personnel. Upon seeing the police party, the miscreants started to flee away but on chase two miscreants were nabbed and six were managed to escape. It has further been alleged that some incriminating articles including arms and ammunition were recovered from the possession of the apprehended persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended at the place of occurrence. However, on a disclosure made by the apprehended persons, the name of the petitioner has transpired and, thereafter, this FIR has been instituted. He further submits that, in fact, the name of the petitioner has been implicated in this case only on account of his past criminal antecedent, as he has found involved in eight criminal cases as has been mentioned in para-3 of the bail application. He next submits that another accused person whose name also transpired on the disclosure made by the apprehended person, has been allowed the privilege of anticipatory bail by a learned Co-ordinate Bench of this Court vide order dated 15.12.2022 passed in Cr. Misc. No. 48686 of 2022, the copy of which has been placed before this Court and the same has been taken on record. He also



submits that neither the petitioner has apprehended on the spot nor any incriminating material has been recovered from his conscious physical possession, however he is in custody since 17.11.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is a habitual offender having eight criminal antecedents besides the present one.

At this juncture, learned counsel for the petitioner submits that out of eight criminal cases, he is on bail in seven cases.

Regard being had to the submissions made on behalf of the parties and considering the petitioner was neither apprehended on the spot nor incriminating material has been recovered from his possession, apart from the fact that mere antecedent of a person cannot be the sole ground to keep him behind the bar for an indefinite period coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 146 of 2021, subject to the



condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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