

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33077 of 2023

Arising Out of PS. Case No.-182 Year-2020 Thana- BAKHTIYARPUR District- Patna

Saket Kumar @ Chhotu Son of Lalan Kumar Resident of Village Saidpur, Ps
-Gopalpur District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Anand, Advocate
	:	Mrs. Madhuri Kumari, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bakhtiarpur P.S. Case No. 182 of 2020 registered for the offence
under Section 399, 402, 411, 412, 414, 420, 467, 468, 471 of the
Indian Penal Code and Sections 25-1B and 26/35 of the Arms
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.06.2021.

The allegation against this petitioner is to involve in
preparation for dacoity along with other co-accused persons,



who also alleged to be found in possession of firearms.

Learned counsel appearing on behalf of the petitioner submitted that petitioner not apprehended on spot and his name appears in this case mainly on the basis of disclosure made by co-accused, namely Sunny Bharti, who has already been granted bail by learned co-ordinate Bench of this Court through Cr. Misc. No. 35814 of 2021 vide order dated 24.03.2022. It is submitted that as petitioner found involved in seven more criminal cases, where he is on bail in four cases out of suspicion arises due to criminal antecedents, petitioner also implicated with present case without having any connecting evidence/material. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as petitioner not apprehended on spot, where nothing incriminating surfaced during the course of investigation to suggest his involvement, *prima facie*, with preparation for dacoity, as alleged, coupled with the fact that charge-sheet has already submitted,



accordingly the petitioner, above named, is directed to be released on bail in connection with Bakhtiarpur P.S. Case No. 182 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge(IV), Barh/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with following conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly



supported by the documents.

(iii) That one of the bailors
shall be deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

