

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35910 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- BANKA District- Banka

Soljer @ Sajjan Kumar, aged 19 years (male), son of Sadanand Yadav, R/O village- Laskari, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Banka PS Case No.57 of 2023 dated 01.02.2023, instituted for the offence punishable under Sections 394 of the Indian Penal Code.

3. The prosecution case, in short, is that on 30.01.2023 at about 10.30 in the night when the informant along with his friend was going to his house from Banka by four wheeler upon which *kabari* items were loaded and reached near Katariya bridge, four persons intercepted the vehicle and assaulted the informant and his friend by butt of pistol and took away rupees twenty thousand from his pocket. They also looted *kirana* articles as also a silver chain and thereafter fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case only on the basis of confessional statement of Krishna Kumar @ Sukkar Yadav. Nothing has been recovered from the possession of the petitioner except a SIM of mobile which has not been identified as yet. It is further submitted that though the petitioner has been identified by the informant but it has been done in the jail premises on pressure of the police and it is a case of single identification. Lastly, it is submitted that the petitioner is in custody since 03.02.2023 and charge-sheet has been submitted in the case. One more criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in Banka PS Case No.57 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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