

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36404 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- BAKHARI District- Begusarai

SUJEET SADA @ SUJEET KUMAR @ SUJIT KUMAR S/O LATE
RANJIT SADA R/O Village- Gadkhauli, Pathrakat, Ward No. 03, P.S-
Cheriya Bariyarpur, Manjhaul O.P., Distt.- Begusarai. Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard the parties.

The petitioner is in custody since 8.2.2023 in connection with Bakhri P.S. Case No. 357 of 2022 for the offence punishable under Section 392 of the I.P.C. lodged on 13.11.2022 by the informant Santosh Mishra.

The prosecution story, in brief, is that one Santosh Misha, son of Gaun Shankar Mishra, resident of village Pakhri ward no. 26, P.S. Bakhri, Distt. Begusarai has lodged his written report on 13.11.2022 addressed to the SHO of Bakhri police station in which he has stated that he happens to be staff of Tarachand Agrwal, the proprietor of Shakti Fuel petrol pump. The informant has further alleged that on 13.11.2023 at 8.20 pm, while he proceeded alongwith his petrol pump associates namely Shatrughan Mahto to the house of the owner by his cycle with money kept in bag, three unknown miscreants stopped his cycle, threw chilly power in the eyes of the



informant and snatched the bag, keys of petrol pump. The bag contained Rs. one lac (sale amount of the same day). Thus the FIR.

It has been contended by the learned counsel for the petitioner that although he is in custody since 8.2.2023 (as stated in para-12 of the petition) no TIP has been conducted and further one Md. Mojashim @ Simha was apprehended and on is confession, the petitioner was dragged in this case. Though, he concedes that he has criminal antecedent.

Learned counsel contends that the police alleges to have recovered Rs. 5300/- which belonged to the family and not the loot amount.

Learned APP opposes the prayer the prayer for bail.

Taking into account the fact that his name has come in the confessional statement, no TIP has been done and is in custody since 8.2.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bakhri P.S. Case No. 357 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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