

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40386 of 2023

Arising Out of PS. Case No.-409 Year-2021 Thana- BANKA District- Banka

MD. SARTAZ Son of Md. Hazi Shekh Shakhawat @ Md. Shekhawat Ali
Resident of Village - Kharihara, P.S.- Barahat, District - Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Adv.
	:	Mr.Md. Nurul Hoda, Adv.
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Banka P.S. Case No. 409 of 2021 registered for the offences punishable under Sections 395, 397 of I.P.C. and under Section 3/4 of the Explosive Substances Act.
3. As per prosecution case, 5-6 unknown persons came and knocked the door of informant's cash counter when the informant had not opened the door, the miscreants hurled bomb due to which the door opened. It is further alleged that miscreants looted 10 lakhs from the cash counter. It is further alleged that miscreants started



firing due to which informant sustained gun injury in his right elbow.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Upon the confessional statement of co-accused Md. Hira and Md. Shahrukh name of present petitioner has been transpired in this case. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is in custody since 04.03.2023. Petitioner bears criminal antecedent of two cases which are not of similar nature. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has committed no offence as alleged in the F.I.R. No incriminating article has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted uptill now. Learned counsel further submits that co-accused Md. Heera and co-accused Md. Shahrukh have already been granted bail vide Cr. Misc. No. 53366 of 2021 and Cr. Misc. No. 2584 of 2022 respectively vide co-ordinate bench of this Court and the



case of present petitioner stands on better footing as no incriminating article has been recovered from the possession of petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. - 1st Class, Banka in connection with Banka P.S. Case No. 409 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

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

