

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44988 of 2023**

Arising Out of PS. Case No.-727 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Satish Kumar Sah @ Satish Sah S/O Ram Prasad Sah R/O Village- Hariganj
Koriya, P.S- Katihar Town in the Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.05.2023 in connection with Katihar Town P.S. Case No. 727 of 2022, F.I.R. dated 09.11.2022 for the offences punishable under Sections 307, 354(B), 379, 509/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, Ankit Kumar Sah with one unknown person fired upon the informant due to which she sustained injury in her left hand and then both the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Niraj Kumar @ Gandhi and Ritesh Kumar and as per the confessional statement of the co-accused persons, this petitioner has provided the pistol from which the present occurrence has taken place. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused who have confessed the name of the petitioner, namely, Ritesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 8557 of 2023, co-accused, namely, Niraj Kumar @ Gandhi has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No. 15851 of 2023 and co-accused, namely, Ajay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 19088 of 2023. The petitioner is in custody since 08.05.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has provided the pistol which was used in the present crime in question and the petitioner carries one criminal antecedent other than the present one under Section 302 but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 727 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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