

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45496 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

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Satyajeet Kumar @ Sujit Gore, S/O Jay Kumar Gound, Resident of village-
Gausganj, P.S.- Ara Town, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Ara
Mufassil P. S. Case No. 104 of 2021, registered for the
offences punishable under Sections 25(1-b)a, 26 and 35 of
the Arms Act, 1959.

The prosecution case as emerges from the FIR is
that on 27.04.2021, police received information that some
unknown miscreants are committing dacoity at Punjab
National Bank, Piraunta. On information, the police rushed to
the place of occurrence and found a person falling on the
ground and one desi Katta has been recovered from his



possession. It is further alleged that on enquiry from CCTV footage, the police came to know that five persons entered into the Bank and committed dacoity and fled away.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. nor he was arrested on the spot and his name transpired in the confessional statement of one co-accused Amit Kumar. He also submits that no test identification parade has been conducted till date. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that some of the co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court *vide* orders dated 13.04.2022, 18.04.2022 and 18.04.2022, passed in Cr. Misc. No. 59699 of 2021, 67549 of 2021 and 62702 of 2021, respectively.

He further submits that the petitioner has been



arrested in Ara Muffasil P. S. Case No. 103 of 2021 on 30.04.2021 and thereafter petitioner has been remanded in Ara Mufassil P. S. Case No. 104 of 2021 on 22.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-VII, Bhojpur at Ara, in connection with Ara Mufassil P. S. Case No. 104 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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