

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46112 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- SAKRI District- Madhubani

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RAJA @ NIYAZ SON OF MD. SABNAM @ SHABNAM RAZA R/O
VILLAGE- JARHATIYA, P.S.- SAKRI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sakri P.S.
Case No. 60/2022, corresponding to CRI No. 427/2022
registered for the offences punishable under Sections 356, 379,
34 of the Indian Penal Code and Sections 395, 120(B) of the
I.P.C. added later on.

As per prosecution case, on 21.03.2022 the informant
alongwith Shivendra Jha proceeded on a motorcycle after
collecting money of sale of stone chips amounting Rs.4,70,000/-
They reached NH-57 near Anand Dharam Kata, three persons
on a motorcycle overtook them and snatched the bag from the



informant containing Rs.4,70,000/-

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics and previous enmity. The petitioner is not named in the FIR and the name of petitioner transpired in this case on the basis of confessional statement of co-accused Prince Kumar Paswan as mentioned in the impugned order. The petitioner has been remanded in this case on 13.04.2022 from Sakri P.S. Case No. 55/2022 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of two cases. The petitioner is not owner of the said motorcycle. No incriminating article has been recovered from the conscious possession of the petitioner and he has not put on T.I. Parade as yet. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Krishn Mohan Bhandari @ Guddu Bhandari has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.51678/2022 and the case of present petitioner stands on similar footing.



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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 60/2022, corresponding to CRI No. 427/2022, 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)

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