

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46397 of 2022

Arising Out of PS. Case No.-680 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Sanjay Kumar @ Sanjay Yadav, Son of Shambhu Rai Resident of Village -
Santpur, P.S. - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Muffasil

P. S. Case No. 680 of 2021, registered for the offences

punishable under Sections 341, 323, 307 and 34 of the

Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution case as emerges from the FIR is

that the petitioner and his associates shot fire at the

informant on the pretext of income incurred from a Bolero

Jeep.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. He further submits that as per the F.I.R., allegation of assault is against unknown persons and the case against the petitioner is based only on suspicion because as per the allegation, the informant claimed that assailant had assaulted him in connivance with this accused-petitioner, who is brother of the informant. He further submits that no incriminating articles have been recovered from the conscious possession of the petitioner. He further submits that investigation in this case is complete and charge-sheet has already been submitted. However, he is not sure about the framing of charge.

He further submits that the petitioner has been languishing in jail since 14.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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. Chief Judicial Magistrate, East Champaran at Motihari, in connection with Muffasil P. S. Case No. 680 of 2021, **after framing of charge, if not already framed**, 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 hampered 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 any criminal antecedents, 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/-

U			
---	--	--	--

