

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50361 of 2022

Arising Out of PS. Case No.-1043 Year-2021 Thana- SITAMARHI District- Sitamarhi

Shambhu Sah, Son of Budhan Sah, Resident of Village - M Basaha, Ward No. 08, Madhuban P.S. Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sitamarhi P.S. Case No.1043 of 2021 registered for the offence punishable under Section 395/397 of the Indian Penal Code.

Dacoity is alleged to have been committed by 16 persons. They have looted number of jewellery items and cash of Rs.45,000/- from the informant's house. The petitioner's name has surfaced in the course of investigation in the statement of one co-accused Naseem Nafad while he was in custody in connection with another case, namely, Bajpatti P.S. Case No.13 of 2022.

It is submitted by the petitioner's counsel that Naseem Nafad has since been allowed bail in this case in Cr.Misc.



No.45198 of 2022 along with one co-accused Md.Gulab Mansuri in Cr.Misc. No.46386 of 2022. Another co-accused similarly situated as the petitioner, namely, Hassan Mansoori, has also been allowed bail in Cr.Misc. No.49212 of 2022. The petitioner has been made accused merely on the basis of his antecedents. No T.I.P. has been conducted till date nor there is any recovery from the petitioner of any incriminating material to even suggest his complicity. He is in custody since 16.03.2022.

Learned APP for the State has opposed the prayer for bail. However, he is not in a position to deny that the bail has been granted to other persons, as stated by the petitioner.

Considering the submissions, period of custody as well as the manner of the petitioner's implication, this Court is inclined to consider the prayer for bail on the ground of parity also with the above noted three co-accused persons. Prayer for bail of the petitioner is allowed.

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 learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No.1043 of 2021, subject to the following



conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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