

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53912 of 2022

Arising Out of PS. Case No.-263 Year-2019 Thana- SALIMPUR District- Patna

Sanni Kumar, Son of Ram Janam Rai Resident of village - Saidpur, P.S.-
Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No.2, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Salimpur P.S. Case No.263 of 2019 instituted under
Sections 147, 341, 323, 379, 447, 504, 506 and 34 of the IPC.

As per the prosecution story, allegation is that the
accused persons entered the shop of the informant and further
Mritunjay Kumar put countrymade revolver on his temple with
the further order to the accused persons to snatch his chain and
also to search his body and shop. Accordingly, allegation is on
one 'Bade' that he took out Rs.40,000/- from the jacket and
jeans pant. They also tried to drag him outside the shop to kill
him but in the meantime the staff came and protested whereafter
they ran away.



Learned counsel for the petitioner submits that from perusal of FIR, it seems that the same has been exaggerated and in the process snatching of money and gold chain have been attributed to the accused persons. It is further submission that in any case the main allegation is against Mritunjay Kumar of putting countrymade revolver on his temple as also on 'Bade' who took out Rs.40,000/- from his jacket. Further, although the name of the petitioner is there, no role has been assigned to him. It is his further submission that in the said backdrop, similar situate accused namely Naresh Roy and Shambhu Roy were granted anticipatory bail vide ABP No.1320 of 2020 on 17.06.2020 by the learned Subordinate court itself.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that he along with other accused persons stormed the shop, tried to assault the informant and also allegation is of taking away the amount.

Having gone through the FIR and the rival submissions and taking into account that the petitioner has no criminal antecedent, the role he has been attributed is part of the group that stormed the shop of the informant, main role is against Mritunjay and 'Bade' and as stated in para-10, some of the similar placed have been since released by the Subordinate



court, this Court is also inclined to extend him the same relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Salimpur P.S. Case No.263 of 2019 to the satisfaction of learned Judicial Magistrate, Ist Class, Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C subject to following conditions :

(i) the petitioner shall be visiting the concerned police station for next six months every fortnight;

(ii) if he commits crime again, appropriate steps may be taken by concerned party for the cancellation of bail.

(Rajiv Roy, J)

Prakash Narayan /-

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