

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54081 of 2022

Arising Out of PS. Case No.-955 Year-2021 Thana- NAGAR District- Vaishali

SANJAY KUMAR @ SANJAY MALI @ SANJAY BHAGAT Son of Ram
Naumi Bhagat Resident of Village - Ismailpur, P.s.- Hajipur Sadar, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 955 of 2021, registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)/26/35 of the Arms Act.

The case of the prosecution according to the informant is that on 13.11.2021, he got an information that some miscreants have assembled at the alleged place of occurrence and are planning to execute some criminal act whereupon the informant along with his police force had reached near the Gandak river dam and found 7-8 persons



sitting there, however, upon seeing the police, they had tried to flee away, but some of the accused persons were apprehended by the police. As far as the petitioner is concerned, it is alleged that his name was disclosed by the apprehended miscreants to be one of those, who had fled away from the place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent. The learned counsel for the petitioner has further submitted that after the petitioner was apprehended in one another case, he has been remanded in the present case on 10.05.2022, however, there is no recovery qua the petitioner herein and he has been falsely implicated in the present case only because he is an accused in four other criminal cases out of which he is on bail in two cases. The learned counsel for the petitioner has also submitted that considering the period of incarceration, a sympathetic view be taken for the purposes of grant of bail to the petitioner. Lastly, it is submitted that similarly situated co-accused



persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 22.08.2021, passed in Criminal Miscellaneous No.19205 of 2022, Criminal Miscellaneous No.28604 of 2022 and Criminal Miscellaneous No. 31439 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since 10.05.2022 apart from the fact that no illicit arms have been recovered from the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial
Magistrate, Vaishali at Hjiipur in connection with
Hajipur Town P.S. Case No.955 of 2021.

(Mohit Kumar Shah, J)

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