

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58607 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANTOSH KUMAR @ SANTOSH KUMAR SAHNI Son of Nand Kishore
Sahani Resident of village - Atrar, P.S.- Aurai, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Ms.Nitu Kumari, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 275 of 2021 for the offence registered under Section 392 of the Indian Penal Code.

The allegation is regarding four unknown miscreants having entered the office of the informant where the informant and other employees were counting cash, whereafter, they had taken out a pistol and had looted cash sum of Rs. 14,00,000/- from the counter and almirah present in the office and, thereafter, they had locked the informant and his associates,



whereupon, they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is languishing in custody since 15.06.2022. The learned counsel for the petitioner has submitted that though the petitioner is an accused in four other criminal cases but he is on bail in one of them. The learned counsel for the petitioner has also submitted that neither any looted cash amount has been recovered from the conscious possession of the petitioner nor any Test Identification Parade has been held till date so as to connect the petitioner with the alleged occurrence. It is further submitted that similarly situated co-accused persons have already been granted bail by Co-ordinate Benches of this Court vide order dated 26.05.2022 and 23.12.2022 passed in Criminal Miscellaneous No. 19103 of 2022 and Criminal Miscellaneous No. 59253 of 2022. Lastly, it is submitted that the name of the petitioner has transpired in the present case on



account of disclosure made by one another co-accused person namely Aniket Yadav.

Per contra, the learned counsel 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, this Court finds that neither any looted cash amount has been recovered from the petitioner nor any Test Identification Parade has been held so as to connect the petitioner with the alleged crime apart from the fact that similarly situated co-accused persons have already been granted the privilege of bail, hence I deem it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions on account of his bad antecedent.

Accordingly, the petitioner, above named, is directed to 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 Judicial Magistrate-1st Class,



Muzaffarpur in connection with Ahiyapur P.S. Case
No. 275 of 2021.

It is further directed that the petitioner
would mark his attendance before the concerned
Officer In-Charge of the concerned Police Station at
10:00 A.M. on every Monday of the week, starting
from the day he is released from custody and in
the event of his failure to do so on two consecutive
occasion, the present privilege of bail shall stand
cancelled automatically and the petitioner shall be
taken into custody forthwith.

(Mohit Kumar Shah, J)

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