

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63035 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

Sambhu Sah Son of Sri Shivsundar Sah R/O Village- Parmapur, Ward No- 7,
P.S- Shrinagar, District- Madhepura, Bihar- 852112

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64359 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

Satyanarayan Sharma S/o Late Shivji Sharma R/o Village- Laxmipur,
Bhagwati, P.S.- Srinagar, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63035 of 2022)

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 64359 of 2022)

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail where petitioner, namely, Sambhu



Sah is in custody since 02.03.2021 and petitioner, namely, Satyanarayan Sharma is in custody since 14.07.2022 in connection with Pipra P.S. Case No. 33 of 2021, F.I.R. dated 04.02.2021 for the offences punishable under Sections 398, 302, 307 and 120(B) of the Indian Penal Code and Section 25(1-b)a, 27 and 35 of the Arms Act.

According to prosecution case, six miscreants entered into the shop of the son of the informant and starting demanding money from his son. When the son of the informant protested the loot, one accused person fired at his chest and one accused person fired at the informant which hits his left rib.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case only on the basis of the information furnished by the spy and he identified the accused persons on the basis of CCTV footage. Apart from the aforesaid, the name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused persons as well as confessional statement of the petitioner, namely, Sambhu Sah. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that the it appears from the F.I.R. as well as seizure list that one live



cartridge has been recovered from the possession of petitioner, namely, Sambhu Sah for which another F.I.R. has been instituted against him. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Sarwan Kumar has been granted bail by this Court vide order dated 24.03.2022 passed in Cr. Misc. No. 50157 of 2021 and another co-accused, namely, Subodh Yadav @ Subodh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 7135 of 2022. The petitioner, namely, Sambhu Sah is in custody since 02.03.2021 and petitioner, namely, Satyanarayan Sharma is in custody since 14.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Sambhu Sah carries 12 cases other than the present one but he is on bail from Serial No. 1 to 11 as mentioned in paragraph 3 of the bail petition and petitioner, namely, Satyanarayan Sharma carries two more cases other than the present one but he is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge I cum Special Judge, Supaul in connection with Pipra P.S. Case No. 33 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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