

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73938 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- SAHAJITPUR District- Saran

MD. AMAN @ AMAN ALI SIDDIQUE @ MD. AMAN ALI S/o Md. Jahangir Alam @ Jahngir Ahmad R/o Village- Shambhu Chapra, Bashi Mirdoha Patti, P.S.- Janta Bazar, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection with Sahajitpur P.S. Case No. 40 of 2022 instituted under Section 394 of the Indian Penal Code and Section 27 of the Arms Act lodged on 09.03.2022 by the informant Satyendra Kumar Sharma.

As per the FIR, the informant Satyendra Kumar Sharma on 09.03.2022, gave fardbeyan before S.I. Ajay Kumar, S.H.O., Sahajitpur Police Station that his younger brother Sanjay Kumar Sharma, who run a customer service Center of the State Bank of India in his village, closed his shop on 7.3.2022 at about 17.30 PM, and proceeded for house on his Glamour Motor cycle bearing Registration No.BR-04-1296 and when he reached at the distance of 100 Meter from his C.S.P.



shop near house of Sukhdeo Thakur, saw three unknown persons on a motor cycle were standing there who fired upon the brother of informant causing gun shot injury and thereafter, they took his bag from his hand containing paper, money and other articles and fled away. His brother fell down, and as that time his nephew namely Abhishek Kumar was passing through the same road, informant's brother stopped his motor cycle and told to take him to the Hospital. Then he took him to Primary Health Center, Baniapur for treatment and from there he was transferred to Patna for better treatment, where treatment is going on.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and his name has come only on the basis of confessional statement of Pawan Kumar Pandey. The further contention is that similar situate person Nitish Kumar @ Makayee has since been extended the privilege of bail by a co-ordinate bench of this Court in Cr. Misc. No.52066 of 2022 on 23-12-2022.

Let the same be kept on record.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Taking into account the fact that the petitioner is 19



years of age, his name has come in the confessional statement of Pawan Kumar Pandey, nothing incriminating has been recovered from his conscious possession, similar placed accused Nitish Kumar @ Makayee has been granted bail, as stated above, is in custody since 04.08.2022 (as stated in para-12 of the petition), this Court is inclined to extend him privilege of bail with condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sahajitpur P.S. Case No. 40 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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