

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74158 of 2022

Arising Out of PS. Case No.-573 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

SUJIT KUMAR @ TANAK Son of Mithilesh Yadav R/V- Mahewa, P.S-
Makhdumpur, Dist- Jehanabad Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, 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 Makhdumpur P.S. Case No. 573 of 2019 instituted under Sections 395, 396 and 397 of the I.P.C. and 27 Arms Act related to S.Tr. No. 339/21 and 305/21 lodged on 29.12.2019 by by the informant Aparna Devi.

As per the FIR, the prosecution story, in brief, is that one Arpana Devi gave fardbeyan before police on 29.12.2019, that a dacoity was committed in her house on 28.12.2019 at about 9.30 P.M. as five miscreants entered in the house from roof and first of all fired upon her husband Dinkar Prasad which hit his abdomen. Thereafter, the dacoits took hostage the family members and looted ornaments, cash, documents, clothes and mobiles and fled away. It was further alleged that there were 5 to 6 miscreants standing outside the house. The age of



miscreants were 25 to 30 years, and they had covered their face. Thereafter, alarm was raised and villagers came and unlocked them. Then injured was taken away to Sadar Hospital Jehanabad, referred to P.M.C.H. Patna where her husband was declared dead.

Learned counsel for the petitioner submits that similar placed co-accused have since been granted bail vide Cr. Misc. No. Cr. Misc. No.2248 of 2021 (Sonu Kewat) and Cr. Misc. No. 53562 of 2022 (Karu Yadav). The further submission is that he is in custody since 25.08.2021 (as stated in para-10 of the petition.)

Learned APP opposes the prayer considering that he has criminal antecedent of same nature.

Considering the fact that others have been granted bail, he is in custody since 25.08.2021, nothing has been recovered from his conscious possession nor T.I. parade done, omnibus allegation of firing is on accuseds, this Court is inclined to extend him privilege of bail with strict conditions considering the fact that he has criminal antecedents.

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



Makhdumpur P.S. Case No. 573 of 2019 to the satisfaction of learned A.D.J. VIII, Jehanabad , 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 one year 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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