

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1067 of 2023

Arising Out of PS. Case No.-493 Year-2021 Thana- SIWAN CITY District- Siwan

Sagar Singh Son of Somendra Singh @ Surendra Singh @ Sorendra Singh
R/v- Khalawa, P.S.- Nautan, District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Heard Mr. Tej Pratap Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Siwan Town P.S. Case No. 493 of 2021, registered for the offences punishable under Sections 419, 420, and 379/34 of the Indian Penal Code.

It is alleged that in course of patrolling of the Banks and ATMs, the police personnel apprehended one Anish Kumar @ Anish Kumar Rai and this petitioner succeeded in fleeing away. On search the police recovered an ATM swipe machine, four ATM cards, few blank ATM cards and one mobile phone.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered



from his person and possession and in fact after knowing the implication of his name in the present case, he himself surrendered on 04.09.2022 and since then he is in custody. He further submits that the person who was apprehended at the spot and from whose possession incriminating material has been recovered, he has been allowed privilege of bail by this Court vide order dated 15.09.2022 in Cr. Misc. No. 65442 of 2021. He next submits that the petitioner is a student and having fair antecedent, apart from the fact that he is having a broken leg wherein iron rod has been fitted and as such he is not capable of running and fleeing from the place of occurrence.

On the other hand learned APP for the State vehemently opposes the bail application and submits that during the course of investigation materials have come suggesting the complicity of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and the person from whose possession incriminating material has been recovered, he has been allowed privilege of bail by this Court, let the petitioner, named above, be released 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 Judicial Magistrate, 1st Class, Siwan, in connection with Siwan Town P.S. Case No. 493 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

