

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9046 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHUA District- Vaishali

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Satyam Kumar S/O Mithilesh Patel R/O Village- Kanhauli, P.S- Mahua,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 28 of 2023 instituted for the offences under
Sections 401, 402, 412, 414/34 of the Indian Penal Code and
Section 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, on receipt of secret
information that some miscreants have looted one grocery shop
and they are fleeing towards Hajjipur on two motorcycles, the
police-party started checking the vehicle and then he got
information that in the house of one Binod Ram, some persons
are hidden. Thereafter, the police party reached there and found
four persons in suspicious condition. On seeing the police-party,



they tried to flee away from there but, were apprehended with the help of armed forces. The apprehended persons also disclosed name of their two other associates namely Satyam Kumar (petitioner) and Biru Kumar who were also involved in loot-pat of grocery shop. Thereafter on raid, both of them were also apprehended. On search, one cartridge and android phone of Vivo Company were recovered from the possession of the petitioner and other articles were also recovered from co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner was neither arrested from the spot nor any incriminating article has been seized from his possession. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 21.01.2023.

5. Learned counsel for the petitioner again submits that the co-accused Beeru Kumar, Sunny Kumar @ Kallu, Ran Vijay Kumar @ Bittu, Ritesh Kumar and Akshay Kumar @



Guddu Kumar have been granted bail by a Co-ordinate Bench of this Court vide orders dated 14.07.2023, 03.07.2023, 04.08.2023 08.08.2023 and 24.08.2023 passed in passed in Cr. Misc. Nos. 40172 of 2023, 36682 of 2023, 44684 of 2023, 45975 of 2023 and 35537 of 2023 respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also considering the claim based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahua P.S. Case No. 28 of 2023.

(Rudra Prakash Mishra, J)

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