

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30189 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sanjay Kumar @ Sonu Singh, aged about 29 years, Male, son of Ram Jatan Mahto, resident of village- Nakku Asthan, Mohanur, P.S.- Muffasil, District- Samastipur, Bihar, Bharat.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Muffasil PS Case No.341 of 2023 dated 16.07.2023, instituted under Sections 399, 402, 414/34, 120-B of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. The allegation against the petitioner is that he along with other co-accused persons was planning to commit robbery. The police upon getting information about the same reached to the place of occurrence and saw that five persons were sitting and on seeing the police they started running away. One person, namely, Subham @ Chotu, was apprehended by the police party while four persons succeeded to flee away on two motorcycles.



On search, one loaded country-made pistol was recovered from the possession of the apprehended person. The apprehended persons disclosed the name of the petitioner and others.

4. Learned counsel for the petitioner submits that he has been falsely implicated in this case. Name of the petitioner has come in the confessional statement of the apprehended person. Learned counsel further submitted that except the confessional statement of the co-accused, Subham @ Chotu. There is nothing against the petitioner. It is further submitted that the petitioner has clean antecedents. Further submission is that similarly co-accused, Raja Babu, has been granted bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No.65528 of 2023. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- II, Samastipur, in Muffasil PS Case No.341 of 2023,



subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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