

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30086 of 2024

Arising Out of PS. Case No.-106 Year-2020 Thana- BAKHTIYARPUR District- Patna

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Sujeet Kumar S/o Ranjeet Saw R/o vill - Simari, P.S. - Bakhtiyarpur, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Singh, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 Learned counsel for the petitioner is permitted to make necessary correction in Para 9 of the bail petition filed on behalf of the petitioner during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 106 of 2020 registered for the offences punishable under Sections 347, 341, 323, 307, 387, 386, 34 of the Indian Penal Code.

4. As per prosecution case, co-accused Nitish Kumar and others is said to have assaulted informant and kept his motorcycle. It is alleged that co-accused Nitish Kumar and others demanded Rs. 1, 00,000/- from the informant as a ransom and threatened to kill the informant if the said amount is not



paid.

5. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been surfaced in this case upon the confessional statement of the co-accused Saurabh. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that petitioner has been granted anticipatory bail on the condition that if recovery is not made from the house of the petitioner, anticipatory bail will have effect otherwise anticipatory bail will have no effect. He further submits that as the motorcycle was alleged to be recovered from the house of the petitioner and on the said reason, the anticipatory bail got no effect, so, petitioner is seeking regular bail. Petitioner is in custody since 16.02.2024 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel has submitted through supplementary affidavit that petitioner bears one criminal antecedent bearing Nawada P.S. Case No. 733 of 2023.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.



7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 106 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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