

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79257 of 2023

Arising Out of PS. Case No.-164 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

SUMIT SAH @ SUMIT KUMAR SAH S/O KANHAIYA LAL SAH @
KANHAY LAL SAH RESIDENT OF MOHALLA- MUNDICHAK, P.S.
TILKA MANJHI, DIST. BHAGALPUR. PRESENTLY RESIDING AT
MOHALLA- ISHAKCHAK (KUMHAR TOLI), P.S. ISHAKCHAK, DIST.
BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.80 of 2022 (arising out of Mojahidpur (Babarganj) P.S. Case no.164 of 2020 registered under sections 307, 399, 402 and 353 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that on having received information about the accused persons having gathered and planning to give effect to an occurrence,



they approached the place in question. On seeing the police personnel, the accused made an attempt to escape. On chase, one of the accused namely Umang Kumar was arrested and a country made pistol was recovered from his possession. He disclosed the name of the accused persons who managed to escape which included the petitioner herein.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Neither was he arrested on the spot nor any incriminating article recovered from his possession. The only material against him is the confessional statement of a co-accused made before police. The cause of false implication of the petitioner is his antecedents. The petitioner is in custody since 16.8.2020.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., no incriminating article having been recovered from his possession and the petitioner having remained in custody for more than 3 years 6 months since 16.8.2020, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.80 of 2022 (arising out of Mojahidpur (Babarganj) P.S. Case no.164 of 2020 on furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional Sessions Judge
VIII, Bhagalpur.

(Partha Sarthy, J)

Saurabh/-

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