

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80985 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- SAKRA District- Muzaffarpur

Sanjay Kumar @ Palta Son Of Ravindra Thakur Resident Of Village -
Nawalpur Mishrauliya, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar, Advocate
For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Sakra P.S. Case No. 400 of 2023 dated 22.08.2023, instituted for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1A), 26, 35 of the Arms Act.

3. The prosecution case, in short, is that, on the basis of confidential information that some persons are planning to commit dacoity, the informant reached at Sonu Line Hotel at Markan with police personnel and chased standing planners and caught two persons, who disclosed their names as Gulsan Kumar and Santlal Paswan. It is further alleged that they



disclosed the name of their associates, who managed in escaping away namely, Sanjay Kumar @ Palta, Bihari Sah and Bibhuti Kumar. On search, one pistol and two cartridges from the possession of the accused Gulshan Kumar and one cartridge and Apache motorcycle bearing registration no. BR 06 CU 5818 from the possession of the accused namely, Santlal Paswan have been recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that only on the basis of confessional statement of co-accused namely, Gulsan Kumar and Santlal Paswan, the petitioner has been made accused in this case. It is further stated that nothing has been recovered from the conscious possession or from the house of the petitioner. It is next submitted that petitioner has no concern with the alleged motorcycle, which was seized during the search. It is further submitted that petitioner has been made accused in this case due to his past criminal antecedents. Lastly, it has been submitted that the petitioner has six criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sakra P.S. Case No. 400 of 2023, he shall be released on anticipatory 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 Additional Chief Judicial Magistrate-12, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. 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.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. 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.

4. 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.

(Khatim Reza, J)

sankalp/-

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