

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26233 of 2017

Arising Out of PS.Case No. -1008 Year- 2016 Thana -SAHARSA District- SAHARSA

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Dasharath Sah Son of Late Setho Sah, Resident of Village-Jamal Nagar,
P.S.-Salkhua, District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 12.01.2017 in
connection with Saharsa P.S. Case No. 1008 of 2016 for offence
punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was in a grocery shop three unknown persons came
and snatched Rs. 1,70,000/- from the chest on gun point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and just because of previous criminal history, he has been
made accused in the present case. He submits that none of the



persons near the shop or the in shop has identified the petitioner, rather, they have identified Chandan Sah and Munna Paswan. He submits that the observation made in the impugned order that the statement made in paragraph 33 of the case diary that the petitioner has been identified in the CCTV footage is error of record and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that one of the co-accused, Munna Paswan, who has been identified in the CCTV footage, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 20303 of 2017 on 11.07.2017. He submits that nothing has been recovered from the conscious possession of the petitioner and no Test Identification Parade has been done so far and he is languishing in judicial custody for more than six months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case



No. 1008 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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