

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46388 of 2017

Arising Out of PS.Case No. -533 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Munchun Sah Son of Late Ramekbal Sah, R/o Village- Dharohara, P.O.-
Khartari, P.S.- Chiraiya , District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
31.03.2017 in connection with Motihari (Town) P.S. Case No. 533
of 2016 for offences punishable under Section 386 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he received a call on his mobile from a number from Nepal
asking Rangdari of 20 lakhs otherwise threatened for dire
consequences.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name
surfaced only on his own confessional statement in another case



before the police and confessional statement of one Sonu Pratap Singh. He submits that no overt act has been committed and just because he has criminal antecedent, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as 26 cases, out of which he has been acquitted in 10 cases, are pending against him. He submits that some of them are of serious nature and the petitioner is a habitual offender.

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 Judicial Magistrate 1st Class, Sadar Motihari in connection with Motihari (Town) P.S. Case No. 533 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail



cancellation of his bail bonds.

(3) 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.

(4) The petitioner will also appear before the concerned police station and mark his attendance in the first week of every month till one year, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

Devendra/-

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