

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50604 of 2016

Arising Out of PS.Case No. -150 Year- 2016 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Binod Sah, son of Ram Chandra Sah, resident of Village- Chakeari, P.S. -
Rajapakar (Barati O.P), District Vaishali at Hajipur Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar -Advocate

For the Opposite Party/s : Mr. Sri Mustaque Alam-A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 11-01-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

There was road robbery in which, the unknown miscreants, after removing the informant, a driver, took away vehicle whereupon products of Imami were being carried to Motihari. From the case diary, it is evident that truck was seized within the jurisdiction of Ahiyapur Police Station. It is also evident that one Raj Kumar Sah was apprehended, who made inculpatory extra-judicial confessional statement and the name of petitioner along with others is found exposed therein with a specific assertion that looted articles were sold to Krishna Sah as well as Binod Sah. It is also evident from the case diary (Para-69) that from the house of Krishna Sah looted articles were recovered.



It is also evident from Para-77 that Binod Sah (petitioner) was apprehended and on his pointing out as per Para-78, looted articles in huge quantity have been seized. It is further evident that after completing investigation, chargesheet had already been submitted.

Contention on behalf of petitioner is that Krishna Sah and Raj Kumar Sah have already been granted bail. The case of the petitioner stood on similar footing. So, he be also enlarged on bail. The plea having been taken at the end of the petitioner like the plea taken by co-accused Krishna Sah is that, petitioner has got no information at the time of purchase that the articles were stolen property. However, from the confessional statement of Raj Kumar Sah as well as he himself, it is apparent that he had paid sufficient money and so, being a bonafide purchaser, petitioner is entitled for bail. It has also been submitted that petitioner has got no criminal antecedent and is under custody since 14.07.2016.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Considering the status of the petitioner on similar footing than that of Krishna Sah, who had already been granted bail vide Cr. Misc. No.40679 of 2016, petitioner, **Binod Sah** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P. S. Case no.150 of 2016, subject to condition that petitioner will submit the receipt granted by the Sales Tax Department against the purchase whatever been made on behalf of petitioner as a bonafide purchaser.

(Aditya Kumar Trivedi, J)

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