

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14774 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Ravi Sah aged about 37 years, male, Son of Late Rajendra Sah Resident of
Village -Aliganj Maheshpur Mausi Place, P.S. - Mojahidpur (Babarganj),
District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Ajit Kumar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 21-09-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Mojahidpur (Babarganj) P S
Case No. 200 of 2020, instituted for the offence under Sections
392 of the Indian Penal Code. Later on, Sections 395 and 412 of
the Indian Penal Code was added.

The specific allegation in the First Information Report is



that four persons have entered the courtyard and assaulted the informant. By brandishing weapons they have broken the *Almirah* and taken away jewellery and cash. The petitioner has been identified by the informant.

The learned counsel for the petitioner submits that the petitioner has no criminal antecedents. The petitioner has entered into an agreement for purchase of land (Annexure-3 to the second supplementary affidavit). The agreement is with the plaintiffs of Title Suit No. 78 of 2012, wherein the informant's father is defendant No. 3. It is submitted that based on such civil litigation, the petitioner has falsely been implicated in this case. He has remained in custody now since 19.09.2020. The submission is that co-accused Rabindra Yadav has been allowed bail in Cr. Misc. No. 13759 of 2021. There is no recovery of any incriminating material from the petitioner.

The learned APP representing the State has opposed the prayer for bail. It is submitted that the informant has specifically identified the petitioner based on the voice and his profile as being one of the perpetrators of the crime.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the



petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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, Bhagalpur, in connection with Mojahidpur (Babarganj) PS Case No. 200 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Pursuant to the earlier orders of this Court, the learned Registrar (List) has submitted reports. This Court would observe that the same are accepted, in view of the apology having been tendered by the concerned.

(Madhuresh Prasad, J)

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