

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14744 of 2021

Arising Out of PS. Case No.-182 Year-2019 Thana- RAMNAGAR District- West Champaran

Anil Sah, Son of Chota Sah @ Chathu Sah, Resident of Village - Senwariya,
Bharawa Tola, P.S.- Sirisiya O.P., Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-09-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Ramnagar P.S. Case No.182 of 2019 registered for the offence punishable under Section 379 of the Indian Penal Code.

Since 30.09.2020 the petitioner is stated to be in custody. The First Information Report is against unknown persons regarding the theft of a motorcycle.



The learned counsel for the petitioner submits that the police blindly have implicated the petitioner in 14 cases which have been mentioned in paragraph No.3 of the bail petition, all of which have been lodged against unknown persons. Petitioner's remand in the instant case has not led to any recovery and apart from the Call Detail Record (CDR), which shows the petitioner to be in the vicinity, no valid material has come in the investigation to suggest his complicity in the crime. He has been granted bail in four of the cases pending against him since before. The petitioner has also been allowed bail in another case i.e., Ramnagar P.S. Case No.216 of 2019, instituted in similar manner, for the same offence, in Cr.Misc. No.13728 of 2021, vide order dated 01.09.2021.

Case diary had earlier been requisitioned, which has been received.

The learned APP representing the State has opposed the prayer for bail. Referring to case diary, it would appear that the CDR of the petitioner has shown him to be present in the locality from where the theft has been done. He has antecedents also.

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 learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran, in connection with Ramnagar P.S. Case No.182 of 2019, 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.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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