

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18498 of 2021

Arising Out of PS. Case No.-166 Year-2019 Thana- RAMNAGAR District- West Champaran

Anil Sah, S/O Chota Sah @ Chathu Sah, R/O Village-Senwariya, Bharawa
Tola, P.S-Sirisiya O.P, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

Prosecution case, in brief, is that on 26.07.2019 at 11.45 pm, the informant gave a written report to police station and stating that on 26.07.2019 at 09.00 am, the informant has parked his motorcycle in front of western gate of Shiv Mandir, Ramnagar and went inside the temple. After sometimes, when the informant came out he found his motorcycle missing. The



informant suspected that unknown thieves have stolen away his motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. During course of investigation, the police has found the tower location of the mobile phone of the petitioner near the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. There is no T.I. Parade till date. The petitioner is languishing in judicial custody since 22.09.2020. The petitioner has got 14 criminal antecedents which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 06.07.2021 passed in Cr. Misc. No.15612/2021.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five



thousand) with two sureties of the like amount each in connection with Ramnagar P.S. Case No. 166/2019 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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