

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31739 of 2021**

Arising Out of PS. Case No.-205 Year-2020 Thana- BANMANKHI District- Purnia

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DILIP KUMAR SAH S/o Jagarnath Sah Resident of Village- Basaithi, P.S.-
Bousi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 394, 302 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, some miscreants shot at brother of informant and looted away the bag containing cash.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Petitioner is not named in the FIR. The name of petitioner has come in the case during the course of investigation in the confessional statement of co-accused, Babloo Yadav and Suraj Yadav. No incriminating article has been recovered from the possession of the petitioner and till date the petitioner has not been put on Test Identification Parade. Petitioner claims clean



antecedent and is in custody since 22.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Chief Judicial Magistrate-I, Purnea in connection with Banmankhi PS case No. 205/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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