

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38856 of 2020**

Arising Out of PS. Case No.-308 Year-2020 Thana- BHAGWAN BAZAR District- Saran

AJAY SAH, @ DISTU, Son of Late Ram Lal Sah, Resident of Village-
Inayatpur, P.S.- Daudpur, District- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Ashok Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ashok Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhagwan Bazar P.S. Case No. 308 of 2020 registered for the offence punishable under Sections 414, 420, 467, 468, 471 of the Indian Penal Code. He is in custody since 15.07.2020.

The prosecution story, in brief, is that the informant was involved in vehicles checking near Sadar Hospital More. One person coming on a motorcycle was asked to stop but the



person tried to flee away but was eventually apprehended and when asked to show papers he could not show any valid paper and disclosed that it is a stolen motorcycle. He has further disclosed the name of his associates including this petitioner and revealed that several motorcycles have been kept by his gang for sale. Thereafter, a raid was conducted and total thirteen motorcycles have been recovered.

Learned counsel for the petitioner submits that as per the allegations the name of the petitioner has transpired in the confessional statement of the co-accused Raja Sah who identified the petitioner as one of the three members as associates. At the instance of said Raja Sah some stolen motorcycles were allegedly recovered and at the instance of this petitioner also three stolen motorcycles were recovered from the hutment of straw.

The contention is that the said hutment does not belong to the petitioner and all the co-accused including Raja Sah and Krishna Sah whose names have transpired as leader of the gang have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 2497 of 2021, Cr. Misc. 38923 of 2020 and Cr. Misc. No. 8095 of 2021.

Mr. Ashok Kumar, learned A.P.P. for the State has



though opposed the prayer for regular bail of the petitioner but upon considering the facts and circumstances of the case and that the co-accused similarly situated have been granted bail by learned co-ordinate Benches of this Court, the petitioner has remained in custody for one year and has got one criminal antecedent under the Excise Act in which is said to be on bail, this Court in order to maintain uniformity in justice directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 308 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

