

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2916 of 2021

Arising Out of PS. Case No.-416 Year-2015 Thana- MADHUBANI TOWN District-
Madhubani

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Raju Sah Son of Yogi Sah Resident of Village - Bhauara, P.S. - Madhubani
Town, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Madhubani Town P.S.
Case No. 416 of 2015, corresponding to G.R. No. 2650 of 2015,
registered for the offence under Sections 395, 397 of the Indian
Penal Code, Section 27 of the Arms Act and Section 3/4 of
Explosive Substances Act.

As per the prosecution case, while the informant
alongwith his wife and children were sleeping in the house, at
12.15 (night), 5-6 miscreants entered into the courtyard of his
house and threw bomb in the courtyard and when it was objected
by the informant, the accused persons assaulted him and caused
fire-arm injury to him and his son. It is also alleged that the
miscreants took away Rs. 2000/-, two mobiles, bank passbook
and documents of LIC.



It is submitted on behalf of petitioner that petitioner is not named in the FIR and his name has surfaced during course of investigation. It is further submitted that other similarly situated co-accused have already been granted bail by a coordinate Bench of this Court, vide order dated 03.03.2016 passed in Cr.Misc. No. 10182 of 2016 and order dated 19.08.2017 passed in Cr.Misc. No. 38958 of 2017 (Annexure 2 series). No incriminating article has been recovered from the possession of the petitioner and till date, petitioner has not been put on Test Identification Parade (T.I.P.). Petitioner is in custody since 10.02.2020. Chargesheet has already been submitted.

Considering the fact that till date petitioner has not been put on T.I.P., period of custody of petitioner and the fact that similarly situated co-accused have already been granted bail, the bail application of petitioner is allowed.

Let the above named petitioner 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 C.J.M., Madhubani in connection with Madhubani Town P.S. Case No. 416 of 2015, corresponding to G.R. No. 2650 of 2015, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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