

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5128 of 2022

Arising Out of PS. Case No.-624 Year-2019 Thana- SITAMARHI District- Sitamarhi

DABLA RAUT @ DABLA ROUT S/o Chhote Raut @ Chhote Lal Raut R/o
Village- Ambedkar Chowk Mestar Toli, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 624 of 2019 registered for the offences
punishable under Sections 394 of the Indian Penal Code.

As per prosecution case, informant was going to
catch the train alongwith his son in law. When they reached near
the market 3-4 miscreants surrounded them and the miscreants
dash the motorcycle of informant and gave knife blow in the
stomach of informant's son in law as a result of which he was
seriously injured and all the miscreants fled away towards
Gaushala Chauk and they are between the age of 20-25.



Learned counsel for the petitioner submits that petitioner is in custody since 31.08.2022. Petitioner bears criminal antecedent of five cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Nothing has been recovered from conscious possession of the petitioner. The name of present petitioner transpired on the basis of the confessional statement of one co-accused Rohit Kumar and the co-accused Rohit Kumar has already been granted bail vide Cr. Misc. No. 15837 of 2021 by the co-ordinate bench of this Hon'ble Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R. charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Sitamarhi P.S. Case No. 624 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

