

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10970 of 2022

Arising Out of PS. Case No.-15 Year-2020 Thana- BABUBARHI District- Madhubani

Lakshman Sah Son of Ramprit Sah Resident of Village - Korahiya, P.s.-
Jaynagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Babubarhi P.S. Case No. 15 of 2020 registered for the offence
under Sections 394 and 307 of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.07.2021.

The allegation against the petitioner is to take away
motorcycle and bag of the informant containing mobile and cash
of Rs. 5,020/-, alongwith other co-accused persons with further
allegation of firing.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Bijay Kumar Sahu, in furtherance of which no incriminating material recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is submitted that said Bijay Kumar Sahu has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 10196 of 2021 vide order dated 29.06.2021. It is also submitted that petitioner not put on TIP, as yet. While concluding the argument, it has been submitted that as petitioner found involved in 7 criminal cases, he was implicated in present case also, having otherwise no bearing over the merit of this case and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered/surfaced from this petitioner, in furtherance of confessional statement, to connect this petitioner with present occurrence coupled with the fact that



charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Babubarhi P.S. Case No. 15 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Madhubani/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

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

