

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11828 of 2022

Arising Out of PS. Case No.-56 Year-2018 Thana- MANJHI District- Saran

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APPU SAH @ RAKTU S/o Ganesh Sah Resident of Village - Mubarakpur,
P.S. - Manjhi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 05.07.2021, seeks
regular bail in connection with Manjhi P.S. Case No. 56 of 2018
registered for offences punishable under Sections 399, 402 of
the Indian Penal Code and Section 25(1-b) a 26/35 of the Arms
Act.

As per the allegation made in the FIR, one Sonu
Kumar was apprehended on the spot who had disclosed that
other co-accused persons have fled away from the spot.
Recovery of arms and ammunition have been made from the
possession of the said Sonu Kumar.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner. Petitioner has been remanded in the present case as other two cases were pending against him. The apprehended accused Sonu Kumar had not disclosed the name of the petitioner rather he has been dragged in the present case on mere suspicion without any basis by the police authority. There is no chance of absconding or tampering and hence, the petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR, petitioner has not been named therein, nothing has been recovered from the possession of the petitioner, there being no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. V, Saran at Chapra in connection with Manjhi P.S. Case No. 56 of 2018 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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