

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12058 of 2022

Arising Out of PS. Case No.-32 Year-2019 Thana- ISHIPUR District- Bhagalpur

Kundan Sah @ Saurabh Sah S/o Ashok Sah Resident of Aliganj Gangti, P.S.-
Mojahidpur (Babarganj), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2022 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 Ishipur
(Barahat) P.S. Case No. 32 of 2019 registered for the offence
under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.06.2020.

The allegation against the petitioner is to commit
dacoity and while committing so, taken away two mobile sets
and Rs.5,000/- (Rupees Five Thousand) cash of the informant,
alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Abhishek Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 86191 of 2019 dated 16.06.2020. It is submitted that nothing incriminating recovered from the conscious possession of the petitioner in furtherance of the said confession. It is also submitted that petitioner was never put on T.I.P. It is pointed out that petitioner is involved in seven criminal cases of similar nature, in which he is on bail and in most of the cases, name of the petitioner surfaced on the basis of confessional statement of co-accused, as of present. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of co-accused, leading no recovery, which may connect the petitioner with the present set of



occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ishipur (Barahat) P.S. Case No. 32 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-X, Bhagalpur/concerned Court, subject to the following conditions:

“(i) That 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 Rakhi Devi, who is the sister of the petitioner and deponent of the present bail petition.

(iv) If the petitioner tampers with the evidence or witnesses, in that event, Trial Court is at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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