

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13106 of 2022

Arising Out of PS. Case No.-355 Year-2021 Thana- BRAHMPUR District- Buxar

Raj Kumar Sah Son Of Ramchandra Sah R/O Village- Bishewar Dera Chakki,
P.S.- Brahmpur (CHAKKI O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 02-08-2022 Learned counsel for the petitioner submits that inadvertently there is wrong typing in paragraph no.10 wherein date has been mentioned as 24.01.2021 instead of 24.12.2021.

Let the petitioner is directed to correct the same in course of the day.

Let the defect, if any, be removed within two weeks from today.

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

The petitioner seeks regular bail in connection with Barahampur (Chakki O.P.) P.S. No. 355 of 2021/ G.R. No. 1621 of 2021 lodged under Section 406/420 of the Indian Penal Code.

Learned counsel for the petitioner submits that present case has been filed specifically with the allegation that total construction of 685 feet road has to be made but there was an allegation to make construction only on 455 feet. It has been

alleged that the local influential person have destructed 250 feet road out of total 685 feet. He further submits that the said construction was distorted in the name that it was made on the raiyati land. Learned counsel for the petitioner submits that for the purpose of identify, the land on which road has to be constructed he has no role. Rather a special committee used to approve and then only the road has to be constructed. He further submits that total road has been constructed as per the specification, but the F.I.R. itself is very much clear that constructed road was distorted by the local persons in the name that it is made on his raiyati land. Learned counsel for the petitioner further submits that petitioner is in custody since 24.12.2021 and chargesheet has already been filed in this case.

Learned counsel for the State opposes the prayer for; bail and submits that bail may not be granted, but upon query that whether there is role of petitioner in selection of the land, he silent.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Buxar in connection with Brahampur (Chakki O.P.) P.S. Case No. 355 of 2021/ G.R. No. 1621 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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