

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13447 of 2022

Arising Out of PS. Case No.-268 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

Kundan Sah @ Saurabh Sah Son of Ashok Sah Resident of Village - Aliganj
Gangli, P.S.- Babarganj, Distt.- 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. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with S.T.No. 200 of 2021 arising out of
Mojahidpur Babarganj) P.S.Case No. 268 of 2018 for the
offences punishable under Sections 395 of the Indian Penal
Code and later on added section 412 of the IPC.

As per the prosecution case, it is alleged that five
miscreants entered into the house of the informant and he
was asked to open almirah and thereafter, it is alleged that



they took away cash of Rs. 13,000/- along with other valuables goods and ornaments.

It is submitted by the learned counsel for the petitioner that FIR has been instituted against unknown persons and during the course of investigation, the name of the petitioner transpired on the confessional statement of co-accused Kapil Yadav @ Kapil Kumar, who has disclosed the name of so many persons including this petitioner. It is next submitted that neither any incriminating material has been recovered nor the petitioner has been put on TIP, though he is in custody since 10.06.2020. It is lastly submitted that co-accused person on whose confession, the name of the petitioner has transpired has been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 43983 of 2019 and later on he has also been acquitted from all the charges in Session trial no. 469 of 2019 vide order dated 19.01.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has multiple criminal antecedent and he appears to be habitual offender.



Having heard the rival contentions of the parties and taking into consideration the fact that co-accused persons on whose confession, the name of the petitioner has transpired has already been granted bail and later on acquitted from all the charges and this petitioner is in custody since 10.06.2020 but till date no TIP has been made, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Bhagalpur in connection with S.T.No. 200 of 2021 arising out of Mojahidpur (Babarganj) P.S.Case No. 268 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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