

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13315 of 2022

Arising Out of PS. Case No.-418 Year-2019 Thana- SIKARPUR District- West Champaran

Mantu Sah Son of Late Mangal Sah R/o Village Balua Rampurwa, P.S.
Bairiya, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No.418 of 2019, registered for the offences punishable
under Sections 461 and 379 of the Indian Penal Code.

The allegation against the petitioner is that he was
involved in stealing away ATM Machine with cash of
Rs.2,60,500/-.

The prayer for bail of the petitioner was earlier
rejected vide order dated 08.09.2021, passed in Cr. Misc.
No.9228 of 2021 with liberty to renew his prayer for bail after
six months.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR and similarly situated other



co-accused persons have been granted bail by different co-ordinate Bench of this Court vide Annexure-3 series. It is further submitted that the petitioner has been made accused in the present case on the basis of confessional statement of co-accused, Ashok Sah and Ashok Shah has been granted bail by a co-ordinate Bench of this Court. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner and the petitioner is in custody since 10.12.2019.

Taking into consideration the period of custody and the fact that no incriminating article has been recovered from the conscious possession of the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Shikarpur P.S. Case No.418 of 2019, subject to the following conditions:-

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the



petitioner.

(2) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be cancelled.

(3) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(4) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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