

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13612 of 2022

Arising Out of PS. Case No.-113 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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SANDESH KUMAR S/o- Ramadhar Sah @ Rajeshwar Sah R/o Village-
Balganga, Brit Laxmipur, Saraiya, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motihari Town P.S. Case No. 113 of 2020
registered for the alleged offences under Section 397 of the
Indian Penal Code.

As per prosecution case, a *dacoity* was committed
in a Private Finance Company in which the informant has been
working as a Branch Manager and the dacoits took away Rs.
4,29,590 /- and thirty mobile phones. The name of the petitioner
surfaced during investigation as one of the *dacoits*.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. During investigation, the name of the petitioner transpired in the confessional statement of co-accused Pawan Sah and except for this confessional statement, there is nothing against this petitioner. There is no recovery of any incriminating article from the person or possession of this petitioner. Till date, the petitioner and others have not put to any Test Identification Parade though they are in custody since 18.12.2021. The co-accused who named this petitioner has been granted bail by the learned lower court. Charge sheet has been submitted in this case and the petitioner is in custody since 18.12.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner surfaced during investigation as one of the *dacoits* involved in committing robbery and loot.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.

20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 113 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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