

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13938 of 2022

Arising Out of PS. Case No.-794 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Amit Sah @ Manta Son of Hari Sah R/O Mohalla- Ward No.36, Patel Babu
Road, Dr. Bakhla Gali, Near Reliance Tower Mundichak, P.S.- Tilkamanjhi,
District- Bhagalpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Kotwali
P.S. Case No. 794/2021 registered for the offences punishable
under Sections 341, 323, 385, 386, 307, 379 of the Indian Penal
Code and charge sheet submitted under Sections 341, 323, 385,
386, 379 & 34 of the I.P.C.

As per prosecution case, on 15.11.2021 the informant
reached on the rented house of Satish Singh then the petitioner
came and abused him and demanded Rs.50,000/- ransom. It is
further alleged that the petitioner assaulted by means of rod
upon the head of the informant and also snatched Rs.85,00/-
from the pocket of the informant.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner is neighbour of the informant and he resides in rented house. No incriminating articles has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged occurrence. The injury report of the informant is simple in nature, so no case of Section 307 of the I.P.C. is made out against the petitioner and further I.O. has not submitted charge sheet under Section 307 of the I.P.C. He further submits that from bare perusal of the fardbeyan itself no transaction of ransom is made so no case of Section 386 of the I.P.C. is made out against the petitioner. The petitioner is languishing in custody since 19.12.2021 and bears criminal antecedent of two cases, one case is of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bahgalpur in connection with Kotwali P.S. Case No. 794/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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