

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19171 of 2022

Arising Out of PS. Case No.-105 Year-2018 Thana- CHAPRA TOWN District- Saran

PRAKASH SAH @ RAGHURAJ Son of Kanhaiya Sah Resident of Mohalla-
Dahiyawan, P.S.- Chapra Town, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Binod Kumar no.3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Town P.S Case No. 105
of 2018 registered for the offence punishable under Section 392
of the Indian Penal Code.

As per allegation, on the alleged date and time, when
the informant was returning by his motorcycle along with his
cousin brother from Chapra junction, three miscreants riding on
a motorcycle struck his motorcycle and looted the belongings of
the informant including cash and his motorcycle.

The main submissions advanced by Sri Ajay Kumar
Tiwary, the learned counsel appearing for the petitioner are that
the petitioner's name surfaced in the alleged crime in the



statement of co-accused Ritik Raj and after arrest petitioner was not put on test identification parade, looted money or any other part of looted article was not recovered from the possession of the petitioner and the investigation has been completed against him and one co-accused Amit Kumar @ Nitish Kumar @ Nitish Giri @ Amit Giri has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 35005 of 2019.

Sri Binod Kumar no. 3, learned APP appearing for the State has opposed the prayer for bail and submitted that petitioner has criminal antecedent of six cases.

In view of the above submissions and considering the fact that one co-accused namely, Amit Kumar carrying similar nature of allegation is on bail and petitioner's name surfaced in the statement of co-accused and he has taken the defence that after his arrest the police did not put him on test identification parade and nothing as alleged in the FIR was recovered from his possession and the said defence has not been refuted by the learned APP. In the opinion of this court, a lenient approach can be taken in respect of the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge



IV, Chapra in Sessions trial no. 105/2018 arising out of Town
P.S Case No. 105 of 2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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