

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24600 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Mausham Kumar Sah Son Of Bankeish Sah @ Pankaj Sah R/O Village-
Jethayani, Laxmipur, Bhabhania, P.S.- Kahalgawan, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Pirpainty P. S. Case No. 263 of 2021(G.R. No. 4786 of 2021) registered for the offences punishable under Sections 379, 411, 279, 337 and 427 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 15.11.2021, while the driver of the informant was going on the



way, he stopped the vehicle for some work, in the meantime a person came there and fled away with his vehicle. It is further alleged that in course of search, he came to know that the accused person, who fled away with the vehicle also injured several persons and even hit one motorcycle, was caught by the people and thereafter he was apprehended by the police.

Learned counsel appearing on behalf of the petitioner submits that in fact, there was a dispute with regard to some loan amount which resulted into lodging of the present case. It is submitted that both the informant as well as the petitioner known to each other and the present case was nothing but only with a view to pressurize the petitioner in order to get refund of his amount. It is further submitted that even during the course of investigation, the police has not found any case with regard to causing any injury to any persons and damaged motor cycle and thereupon fleeing away by the petitioner. It is next submitted that this is a case of section 379 and 411 and the maximum punishment provided is three years and moreover this petitioner is in custody since 16.11.2021.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner was caught red handed by the police, while he was fleeing away



with the vehicle.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner is in custody since 16.11.2021 having fair antecedent and moreover the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addtitional Chief Judicial Magistrate, XI, Bhagalpur in connection with Pirpainty P. S. Case No. 263 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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