

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29609 of 2022

Arising Out of PS. Case No.-406 Year-2020 Thana- JOGAPATTI District- West Champaran

Manoj Kumar @ Manoj Sah Son of Saryug Sah R/O- Vill- Sehurwa, P.S.-
Yogapatti, Dist.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-07-2022 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 Yogapatti
P.S. Case No. 406/2020 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, the informant is Manager in
Bharat Finance Company, he was returning after collecting
money and when he reached on place of occurrence, he saw one
person was sitting on bridge and two persons started following
him and overtook with Apache motorcycle surrounded him and
took key of motorcycle and after that took away cash bag in
which Rs.1,12,352/- from the dicky of the motorcycle. It is



further alleged that one gold locket and Rs. 800/- was also snatched from the informant alongwith other articles.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not named in the FIR. The petitioner was not apprehended on the spot and no incriminating articles has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 15.11.2021 and bears criminal antecedent of two cases. He further submits that the petitioner has not put on T.I. Parade till date. The name of petitioner sprang up on his own confessional statement when the petitioner was apprehended in Yogapatti P.S. Case No.145/2021. Nothing was found on record to demonstrate that the present petitioner is alleged to have participated in alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Prakash Thakur has been granted bail by this Court vide Cr. Misc. No.9646/2022. The case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposed 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 406/2020, 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 without appropriate permission, 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.

(Alok Kumar Pandey, J)

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