

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30501 of 2022

Arising Out of PS. Case No.-72 Year-2020 Thana- MAHINDWARA District- Sitamarhi

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VINAY SAH S/o Ram Nandan Sah Resident of Village- Oli Pur Ward No.2,
P.S.- Mahindbara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seek bail in a case registered for the offence punishable under Sections 341,323,147,379,307,504,506 of the Indian Penal Code.

The prosecution case, in short, is that on 24.02.2020 at 8.00 PM after closing the shop when the informant was coming home on foot and arrived near a pond all the 3 FIR named accused persons including the petitioner surrounded the informant and assaulted him by iron rod and the petitioner Vinay Sah took out the sale-proceeds of the shop Rs.25,000/-



from his pocket. The informant further alleged that all the three accused including the petitioner assaulted the informant with intent to kill him on account of which he became unconscious and when he regained his consciousness he found himself in the Novel Hospital.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation is not attributed against the petitioner and the allegation of assault is attributed to the co-accused Shankar Sah and Gautam Kumar. Further submits that Section 307 of IPC is not attracted against the petitioner and the petitioner is in custody since 12.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahindwara P.S. Case No.72 of 2020 corresponding to G.R.No.2074 of 2020, with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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