

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39165 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- BHAGWANPUR District- Begusarai

MUKESH SAH Son of Ram Sewak Sah Resident of Village- Pipra Dewas,
P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 12.10.2020,
seeks bail in connection with Bhagwanpur (Teyay) P.S. Case
No. 165 of 2020, registered under Sections 356 and 379 of the
Indian Penal Code.

The prosecution case, in brief, is that while the
informant along with his sister in law (Bhabhi) and niece were
on running motorcycle, in the meantime, three accused persons,
aged about 17 to 20 years, overpowered the informant and
snatched Rs. 13,000/- from him and golden Mangalsutra from
the sister-in-law (Bhabhi) of the informant.



Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the F.I.R. and his name surfaced in the confessional statement of co-accused Chandan Kumar and thereafter, the petitioner was remanded in this case from Teghra P.S. Case No. 279 of 2020. He further submits that nothing has been recovered from the possession of the petitioner and there is no allegation of any tampering of evidence or influencing the witnesses as such the petitioner be released on bail.

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

Having heard the rival submissions, perused the F.I.R. and the impugned order, it appears that the name of the petitioner has been surfaced on the basis of confessional statement of co-accused, nothing incriminating article has been recovered from the possession of the petitioner, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Bhagwanpur (Teyay) P.S. Case No. 165 of 2020 subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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