

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39963 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- SARSI District- Purnia

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DILIP KUMAR SAH @ DILIP KUMAR S/o Jagarnath Sah Resident of
Village - Basaithi, P.S. Bousi, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sarsi P.S. Case No. 38/ 2020 registered for the offences punishable under Sections 394 of the IPC and 27 of the Arms Act.

The present FIR relates to the occurrence of loot and firing was also made in the said occurrence.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused Md. Mojib. He further submits that



nothing has been recovered from possession of the petitioner. Till today no TIP has been conducted by the prosecution and the police after investigation submitted charge sheet against the petitioner and petitioner is in custody since 11.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Judicial Magistrate-1st Class, Purnea in connection with Sarsi P.S. Case No. 38/ 2020, subject to 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 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. 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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