

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31252 of 2022

Arising Out of PS. Case No.-479 Year-2020 Thana- JOGAPATTI District- West Champaran

DILIP SAH S/o Ram Nath Sah Resident of Village- Garabhua, P.S.- Sirisiya,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be re-
moved within a period of four weeks from today.

Petitioner seeks bail in a case registered for the of-
fences punishable under Sections 457, 380, 411, 413 of the In-
dian Penal Code.

According to prosecution case, in brief, is that on
30.11.2020 the informant parked his splendor plus motorcycle in
his Banglow and was sleeping, In the night, the informant heard
some sound, he woke up and saw two persons were standing at
the door of his Banglow and one persons was taking out his mo-
torcycle with intent to commit theft, the informant raised alarm.
The co-villagers assembled there and one person was caught



and two succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Nijam Alam. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and except confessional statement of co-accused nothing has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Yogapatti P.S. Case No. 479 of 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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