

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34335 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Dinesh Sah, Son of Ajay Kumar Sah @ Ajay Sah Resident of Village - Koran
Sariyan, Police Station- Koran Sariyan in the District of Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Amrendra Nath Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner, the State and
the learned counsel for the informant.

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

The case is registered under Sections 448, 457, 436,
379, 506/34 of the Indian Penal Code in connection with
Sasaram (M) P.S. Case No.70 of 2022.

As per the prosecution story, the informant has
alleged that she was sleeping with her daughter when suddenly
fire caught in her house and when they came out they saw the
petitioner escaping from the place of occurrence. Further
allegation is that he always used to threaten her daughter and as
she had complained about it, infuriated by that the present
occurrence took place.

Learned counsel for the petitioner submits that



without going into the merit of the case being a neighbour, since the house of the informant has burnt, he on his own want to give monetary assistance to her by paying a sum of Rs.1,00,000/- through Demand Draft issued by the local State Bank of India to be handed over to the informant through the Trial court.

So far as the case in hand is concerned learned counsel for the petitioner submits that it has wrongly been incorporated in para-3 of the bail application that the petitioner has no criminal antecedent. In fact, he has criminal antecedent for which unconditional apology has been tendered. He is warned of being cautious in future.

Regarding the case, his submission is that he has been falsely implicated in this case and in fact he had visited the house of the informant for some work but was made accused.

Per contra, learned counsel for the informant submits that it was the petitioner who had burnt the house and even after the occurrence they threatened the informant and her family members.

Be that as it may, the petitioner is in custody since 14.02.2022, the charge-sheet stands submitted and ultimately he has to face the Trial, this Court is inclined to grant him privilege



of bail subject to payment of Rs.1,00,000/- through Demand Draft issued by the local State Bank of India Branch to be handed over to the informant namely Sheela Devi after ascertaining her credential to Government issued documents (Aadhar, Voter I-Card).

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sasaram (M) P.S. Case No.70 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) if the petitioner in any way tries to contact or
threatened the informant or her family members the State will
be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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