

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35369 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- SURSAND District- Sitamarhi

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Pramod Kumar Sah, Son Of Bhilae Sah @ Bhikhari Sah, Resident of village- Shiv Nagar, Ward No. 01, P.S. Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sursand P.S. Case No. 522 of 2021, registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3 / 4 of the Explosive Act.

The prosecution case as emerging from the FIR is that some unknown miscreants entered into the house of the informant and started assaulting and abusing them. They also stole some articles such as gold, silver coins and cash and fled away.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged against unknown and the present petitioner has been arrested/ remanded in this case only on the basis of suspicion. He further submits that nothing has been recovered from him nor any TTP has been conducted till date.

The petitioner has been languishing in jail since 24.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in four more cases, namely, Sursand P.S. Case No. 561 of 2021, Bela P. S Case No. 194 of 2021, Kanhouli P. S. Case No. 146/2021 and Sonversa P. S. Case No. 340/2021.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sri Kavindra Kumar, Learned J. M 1st Class, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 522 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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