

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44362 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- BASOPATTI District- Madhubani

=====

BASANT KUMAR SAH @ BASANT KUMAR S/o Me. Ashok Prasad Sah
@ Ashok Kumar Sah Resident of Village- Basopatti, P.S.- Basopatti, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Basopatti P.S. Case No. 326 of 2020 registered for the offence under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that while the son of the informant was returning to this house from the shop, three persons came on a motorcycle and fired on him and snatched his bag containing cash and ornaments.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner is not named in the FIR. He further submits that on the basis of self-confessional statement of the petitioner as well as confessional statement of co-accused, the name of the petitioner has transpired in the present case. He further submits that during investigation nothing has come against the petitioner. He further submits that as per FIR the date of occurrence as mentioned in the FIR was 18.12.2020 and the present FIR has been instituted on 19.12.2020. He further submits that co-accused, namely, Chandan Kumar @ Chandan Kumar Sah has been granted bail vide order dated 26.07.2021 in Cr. Misc. No.24854 of 2021. Petitioner is in custody since 23.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the aforesaid facts and period of custody, 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 learned Chief Judicial Magistrate, Madhubani in connection with Basopatti



P.S.Case No.326 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

Nitesh/-

U		T	
---	--	---	--

