

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36208 of 2022

Arising Out of PS. Case No.-86 Year-2017 Thana- CHANPATIA District- West Champaran

GYAN KUMAR @ GYAN SAH Son of Ambika Sah @ America Sah @
Ambika Prasad Resident of Village - Purani Gudri, Turha toli, Police Station -
Kalibag O.P. (Bettiah Town), District - Bettiah.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chanpatia
P.S. Case No. 86/2017 registered for the offences punishable under
Section 394 of the Indian Penal Code.

As per prosecution case, on 09.03.2017 the informant
was returning from Inerwa after collecting cash Rs.27,000/-, a
cheque of Rs.13,000/- from his motorcycle and when he reached
near Laukaria four unknown miscreants intercepted him and
looted his bag containing cash and cheque and also assaulted him
and fled away.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.



The petitioner is not named in the FIR. During course of investigation, the name of petitioner surfaced in this case on the basis of confessional statement of co-accused. The petitioner is languishing in custody since 04.01.2018 and bears criminal antecedent of 17 cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not put on T.I. Parade till date. Co-accused, Ashraf Sai, Tabrej Alam and Rajesh Ram have been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No. 41843/2018, 59221/2018 and 59936/2019 respectively and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 86/2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or



sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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