

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35983 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- BELA District- Sitamarhi

PRAMOD KUMAR @ PRAMOD KUMAR SAH @ DOCTOR SAHEB
SON OF BHIKHARI SAH R/O VILLAGE- SHIV NAGAR, WARD NO.-01,
P.S.- BELA, DISTRICT- SITAMARHI, AT PRESENT RESIDENT OF
SOHARWA BOARDER, WARD NO.-16, P.S.- SONVERSA, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Bela
P.S. Case No. 225 of 2021 registered for the offences punishable
under Sections 395, 397 of the I.P.C, Section 27 of the Arms Act
and Sections 3 and 4 of the Explosive Substance Act.

As per prosecution case, on 02.12.2022, miscreants
carrying arms entered into the informant's house and took away
Rs. 3 lakh, golden ornaments, mobile phone and other materials.
One of them was apprehended by Chowkidar but he managed to



flee away while exploding bomb.

Learned counsel for the petitioner submits that petitioner is quite innocent and has falsely been implicated in this case only on the basis of suspicion. The petitioner is not named in the FIR. The petitioner has been arrested in Sursand P.S. Case No. 561/2021 and thereafter one by one he was remanded in seven another cases without any substantive material available on record. Petitioner is in custody since 15.02.2022 and bear criminal antecedent of 7 cases. No incriminating article has been recovered from the conscious possession or from the house of the petitioner. He further submits that petitioner had been made accused on the basis of self confessional statement before this police except this there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. From perusal of the FIR, it appears that FIR has been lodged against 20 unknown persons. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Bhola Sah and Sachindra Kumar Yadav have already been granted bail vide Cr.Misc.No 34749 of 2022 by this Court and the case of present petitioner stands on similar footing.



The learned A.P.P. for the State 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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M (Sadar) Sitamarhi in connection with Bela P.S. Case No. 225 of 2021, 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.

(Alok Kumar Pandey, J)

vashudha/-

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