

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36354 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- PALASI District- Araria

MUKESH KUMAR SAH Son of Khushilal Sah Resident of Village - Palasi,
Ward No.- 5, P.S.- Palasi, District - Araria.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sharma, Advocate
		Mr. Kumar Ravish, Advocate
For the Opposite Party/s :		Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 413, 414/34
of the Indian Penal Code, in connection with Palasi P.S. Case
No. 03 of 2021.

The allegation in the FIR is that the police in
course of patrolling got information that a person has come at a
tea shop to dispose of the stolen motorcycle. Accordingly, they
were intercepted who disclosed their names as Anmol Kumar
Sah and Md. Rizwan. As they failed to provide any document
relating to the vehicle, the same was seized and the accused
persons were taken into custody. Accordingly, the FIR was
lodged.



Learned counsel for the petitioner submits that neither he was present at the place of occurrence nor anything has been recovered from him. It is his further submission that the apprehended accused persons named him and accordingly he has been made an accused for which he has already suffered by being in custody since 6.4.2022 (as stated in para-13 of the bail application) although he has no criminal antecedent. His last submission is that similarly placed co-accused on whose confessional statement he was taken into custody has since been granted bail (Md. Rizwan) vide Cr. Misc. No. 44747 of 2021 on 29.1.2022 and (Anmol Kumar Sah) in Cr. Misc. No. 39562 of 2021 on 28.1.2022 by a coordinate bench of this Court. Let the same be kept on record.

Considering the fact that he has no criminal antecedent, is in custody since 6.4.2022 and his name has come in the confessional statements of Md. Rizwan and Anmol Kumar Sah, who have since been granted the privilege of bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Palasi P.S. Case No. 03



of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

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

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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