

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43511 of 2022

Arising Out of PS. Case No.-717 Year-2020 Thana- MUFFASIL District- West Champaran

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RAMLAL SAH S/o Neta Sah R/o village- Chhotaka Lagunia, P.S.- Paharpur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-10-2022 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 Bettiah
Muffasil P.S. Case No. 717 of 2020 registered for the offences
punishable under Section 379 of the Indian Penal Code.

As per prosecution case, informant's scorpio vehicle
has been stolen by unknown persons.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR, during the course of
investigation petitioner has been implicated in the case. Except
suspicion there is nothing on record to demonstrate the complicity
of the petitioner with the alleged occurrence. Petitioner is in
custody since 16.01.2021 and bears criminal antecedent of six



cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended in this case at the alleged place of occurrence but he had been remanded in this case by police from Gopalpur P.S. Case no 194 of 2020. He also submits that no incriminating article has been recovered from the possession of the petitioner . No TIP has been conducted up till now. He further submits that similarly situated co-accused Shahnawaj Mian has already been granted bail vide Cr.Misc.No 32711 of 2021 by the Co-ordinate bench of this Court.

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, 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, **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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 717 of 2020, 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 leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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