

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44702 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- BATHNAHA District- Sitamarhi

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ASHOK SAH @ ASHOK KUMAR Son of Late Ram Ekbal Sah Resident of
Village - Dumariya, P.s.- Bathnaha, Distt.- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 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

Bathnaha P.S. Case No. 03 of 2022 registered for the

offences punishable under Sections 399, 402, 414, 216(A),

34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of

the Arms Act.

As per prosecution case, there is alleged

recovery of one live cartridge from the right pocket of

petitioner's pant. It is further alleged that one loaded

country made Katta along with other stolen articles were



recovered from the other co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 09.01.2022. Petitioner bears six criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has falsely been implicated in this case and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is no way concern with the alleged occurrence as alleged in the F.I.R. Learned counsel further submits that co-accused Kamlesh Giri has already been granted bail vide Cr. Misc. No. 38320 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands more or less 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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, co-accused has



already been granted bail by co-ordinate bench, argument advanced on behalf of the parties 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, Sitamarhi in connection with Bathnaha P.S. Case No. 03 of 2022, 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) If petitioner violates any of the conditions, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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