

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57910 of 2021

Arising Out of PS. Case No.-301 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

=====

Motilal Sah Son of Mangal Sah Resident of Village - Jhitkahiyan, P.S. -
Aadapur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420, 467, 468 and
120(B)/34 of the Indian Penal Code.

According to prosecution case, the informant gave his
written application to the S.H.O. Town police station East
Champaran alleging therein that when he was proceeded for
daily patrolling on 22.4.2021 alongwith other police force in
Government vehicle and reached Balua Chowk, then he got
secret information that one person was standing there along with
red briefcase in suspicious condition for long time. Thereafter,



he informed the senior police officer and proceeded towards for verification and necessary action. Thereafter, he reached Awadhesh Chowk and saw that one person was fleeing after seeing the police and who was holding red colour briefcase. Thereafter, police force surrounded him and caught him. Thereafter, he inquired his named and address and that person replied his name as Motilal Sah.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. there is no case make out against the petitioner under Section 420 of the I.P.C. He further submits that there is no independent witnesses of the seizure list and nothing has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motihari Town P.S. Case No. 301 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

