

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48671 of 2022**

Arising Out of PS. Case No.-197 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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Shyam Sah @ Shyam Kumar Saw Son of Hira Lal Sah R/V- Kajra Mor, P.S-
K.Nagar, Dist- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with K. Nagar P.S. Case No. 197 of 2022 registered
for the offence punishable under Section 394 of the Indian Penal
Code. He is in custody since 10.06.2022. The petitioner has got
one criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, when the informant was going to
Lakshmipur Dangraha, three unknown persons on a motorcycle
stopped him and on the point of pistol, one person took away his



tractor and Rs.1 lakh and two persons took him on the motorcycle and threw him in a maize field.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 10.06.2022.

Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused and there is no recovery of any incriminating article from his possession.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is stated that the name of the petitioner has transpired in the confessional statement of the co-accused, there is no recovery from his possession and he has not been put on test identification parade, still he has remained in custody since 10.06.2022, investigation against him is complete and at this stage, there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of the trial, this Court directs that the



petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 197 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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