

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62189 of 2021

Arising Out of PS. Case No.-189 Year-2020 Thana- GOPALPUR District- West Champaran

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RAMLAL SAH Son of Neta Sah Resident of Village - Chhotaka Lagunia,
P.s.- Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Gopalpur Police Station Case No. 189 of 2020, registered for
the offence punishable under Section 392 of the Indian Penal
Code.

The prosecution case, as per the First Information
Report lodged by the owner of the tractor, is that while his
driver Madhai Manjhi was coming back to his home, along with
the tractor, he was accosted by four unknown miscreants, who
assaulted the driver of the informant and fled away with the
tractor.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not



committed any offence in the manner alleged. He further submits that the petitioner is not named in the First Information Report and he has been implicated in this case on the basis of his confessional statement before the police and except the confessional statement, there is nothing on record to connect him with the present offence. He further submits that he has been made accused in the present case on the basis of his criminal antecedent and he has not been put on Test Identification Parade, as mentioned in paragraph 14 of this application. He further submits that no incriminating material and/or looted article has been recovered from the possession of this petitioner. He further submits that the driver of the tractor has not identified other co-accused persons, who have been put on Test Identification Parade. He next submits that co-accused Ishlam Ansari (Criminal Misc. No. 40417 of 2021) and Sahnaj Mian (Criminal Misc. No. 42278 of 2021) have been granted bail by this Court. He further submits that the petitioner has been remanded in this case on 22.01.2021 and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regard being had to the submissions made by the



parties and taking into consideration the materials available on record, the fact that driver of the tractor did not identify other co-accused persons in the Test Identification Parade, the petitioner was not put on Test Identification Parade, he is in custody since 22.01.2021, charge sheet has already been submitted, co-accused persons have been granted bail by this court and trial is not likely to be concluded in near future due pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Bettiah in connection with Gopalpur Police Station Case No. 189 of 2020, subject to the condition that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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