

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62049 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- KUMAR KHAND District- Madhepura

Jitan Sah @ Jitendra Sah, S/o Satya Narayan Sah, R/o village- Naulakhi,
Rahitola, P.S.- Jankinagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kumarkhand P.S. Case No. 108 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per the prosecution case, four miscreants looted Rs. 2 lacs from the informant on gunpoint when he had been returning to his home after withdrawing the amount from the bank.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. He is not named in the FIR and nothing incriminating has been recovered from his conscious possession. No Test Identification Parade has been conducted till date. Only on the basis of confessional statement, this petitioner has been apprehended and he is in custody since 08.02.2022 and charge-sheet has been submitted. The similarly placed co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 25.06.2021 passed in Cr. Misc. No. 7348 of 2021.

Learned APP opposes the prayer for bail submitting that the petitioner is named in this case on the basis of confessional statement of co-accused, though he concedes that no recovery has been made from the petitioner or at his instance. Learned counsel further submits that the petitioner is a habitual offender and has been named in the number of cases as an accused.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the nothing incriminating has been shown to be recovered from this petitioner and further considering grant of bail to the co-accused and the case of the petitioner is similarly placed and further considering the period of his custody, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Madhepura in connection with Kumarkhand P.S. Case No. 108 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Mithilesh Kumar, brother of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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