

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62450 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

KISHAN SAH SON OF ASHOK SAH @ ASHOK PRASAD SHA
RESIDENT VILLAGE- ALIGANJ KATGHAR, P.S.- MOJAHIDPUR
(BABARGANJ), DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 129 of 2020 for the
offence punishable under Sections 392 and 411 of the Indian
Penal Code.

The prosecution story, in brief, is that when the son of
the informant was on his way to bank to deposit Rs.1,28,687/-,
two persons intercepted him and snatched the bag containing
money at gun point.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that the petitioner is not named in the F.I.R. Other similarly situated co-accused persons have already been enlarged on bail vide orders dated 28.07.2020, 03.09.2021, 17.11.2021 and 15.12.2021 passed in Cr. Misc. Nos. 5590 of 2021, 33411 of 2021, 22451 of 2021 and 28280 of 2021 respectively. Petitioner is in custody since 05.09.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having considered the facts and circumstances of the case, rival submission of the parties, similarly situated co-accused whose name have surfaced on the basis of confessional statement have already been enlarged on bail and the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional District and Sessions Judge, Bhagalpur in connection with Sessions Trial No. 308 of 2020, arising out of Mojahidpur (Babarganj) P.S. Case No. 129 of 2020, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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