

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53279 of 2022**

Arising Out of PS. Case No.-375 Year-2022 Thana- FORBESGANJ District- Araria

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DINESH KUMAR SAH @ DINESH KUMAR Son of Ramtahal Sah R/V-
Malahnama, Ward No. 1, P.S- Triveniganj, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Forbesganj P.S. Case No. 375 of 2022, registered for the offences
punishable under Section 394 of the IPC.

As per prosecution case, two miscreants snatched
the motorcycle of the informant containing Rs. 1,50,000/- in
dicky of the said motorcycle.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been transpired
in the case upon the confessional statement of co-accused Md.
Azad@ Sajja. Except confessional statement of co-accused



there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 27.06.2022 and bears criminal antecedent of five cases in which he is on bail in first two cases and acquitted in third case and he has no knowledge about fifth case as he has not been remanded uptill now. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that informant has stated in his Fardbeyan that age of both miscreants is between 30 to 35 years but the age of the petitioner is 25 years. He further submits that no TIP has been conducted uptill now and nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from the possession of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Forbesganj P.S. Case No. 375 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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