

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71852 of 2021**

Arising Out of PS. Case No.-578 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MANOJ SAH S/o- Late Ganesh Sah Resident of Village - Chehrakala, P.S. -
Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the informant/s : Mr.Rajendra Nath Jha
For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Lalan Kumar

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

4 29-09-2022 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 .

The petitioner seeks bail in connection with Sadar P.S.
Case No. 578 of 2021, registered for the offences punishable under
Sections 395 and 397 of the I.P.C.

As per prosecution case, the informant who is cleaner
of truck in which 20 tonnes of mustard oil was loaded . The driver,
Rajesh Paswan went away after parking the said truck near Hotel
Atithi in western lane. While he was sleeping on the bonnet of said
truck in the night of 22.08.2021, he felt moving away the said truck.
When the driver raised alarm, the said truck was speeded up and
stopped at Maricha Chowk where he was got down from the truck



and forcibly made him to sit on a motorcycle, 5-6 miscreants were armed with pistol assaulted the informant by means of butt of pistol due to which the informant sustained head injury and blood started oozing. The miscreants looted away the said truck loaded with mustard oil.

Learned counsel for the petitioner submits that petitioner is in custody since 26.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that FIR has been lodged against unknown and on the basis of confessional statement of co-accused, Neeraj Kumar the alleged mustard oil was recovered from the Godown of the co-accused Mithilesh Kumar Singh who was apprehended by the police . He further submits that the name of present petitioner surfaced upon the confessional statement of co-accused, Neeraj Kumar. No incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted up till now. He further submits that co-accused Mithilesh Kumar Singh has already granted bail vide Cr. Misc. No 416 of 2022 by this Hon'ble court and the case of present petitioner stands on better footing.

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, petitioner is not named in the F.I.R. charge sheet



has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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, Muzaffarpur in connection with Sadar P.S. Case No. 578 of 2021, 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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