

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.241 of 2022

Arising Out of PS. Case No.-349 Year-2020 Thana- BALIYA District- Begusarai

Prince Kumar Sah S/O Dilip Sah @ Dilip Saw R/O Vill. - Khadadiha, P.S. -
Jamua, Dist.- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 07-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Ballia
P.S. Case No. 349 of 2020, registered for the offences
punishable under Section 395 of the Indian Penal Code and
Section 27 of the Arms Act

The prosecution story as emerging from the FIR is
that some unknown miscreants looted a cash of Rs. 23000/-
from the informant and a mobile phone from his associate,
namely, Sujit Kumar on the point of pistol.

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



this case. He further points out that the FIR has been lodged against unknown persons for the offence punishable under Section 395 of the Indian Penal Code. However, nothing has been found from the conscious possession of the petitioner and he has been languishing in jail since 14.06.2021 and till date, no TIP has been conducted. Investigation in this case is complete and charge-sheet has already been submitted. He further submits that similarly situated co-accused, namely, Raghav Kumar, Prince Kumar, Shambhav Kumar and Bittu Kumar have been enlarged on bail by different Benches of this Court vide order dated 11.02.2022, 10.01.2022, 23.06.2022 and 19.01.2022, passed in Cr. Misc. No. 45037 of 2021, Cr. Misc. No. 39309 of 2021, Cr. Misc. No. 13349 of 2021 and Cr. Misc. No. 40870 of 2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case.

However, the learned APP for the State



vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of C.J.M., Begusarai in connection with Ballia P.S. Case No. 349 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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