

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6825 of 2022

Arising Out of PS. Case No.-146 Year-2013 Thana- JHANJHARPUR District- Madhubani

Pawan Sah @ Pawan Kumar Sah @ Pawan Kumar Son Of Santlal Sah R/O
Village- Chajan, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

12 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 365, 386, 413, 379, 414, 120(B)/34 of the Indian Penal Code.

The prosecution story, in brief, is that the informant was called on phone in the name of repairing of motorcycle and when he reached at the spot, he was asked by the petitioner to give his father-in-law Ram Yas Sah Rs. 4,50,000/- because it was stolen at his garage and as such he will have to make payment and the informant and Shankar Sah were kept there all along the day and he was being asked to give the double amount. The petitioner and other accused persons were armed with prohibited arms and after preparing a guarantee paper, the



informant and Shankar Sah were released in evening.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence had taken place. He further submits that nothing has been recovered from the possession of the petitioner and the name of the petitioner has been transpired on the basis of the previous long criminal history of the petitioner.

Vide order dated 12.12.2022, a report was called for with regard to the stage of the trial. Report dated 15.12.2022 of the learned Trial Court reveals that due to non-submission of the chargesheet against the petitioner, cognizance has not been taken and trial is yet to be commenced and the present case is running for awaiting Final Form/Final Report.

Learned counsel for the petitioner submits that although the petitioner is accused in more than 24 cases but in the present case the petitioner is in custody since 19.12.2018 and it appears from the report of the learned Trial court, there is no chance of early conclusion of the trial in near future.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries 24



more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jhanjharpur P.S. Case No. 146 of 2013 corresponding to G.R. No. 1447 of 2013, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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