

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12287 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

Amit Kumar @ Chhotu Sah Son Of Vishwanath Sah R/V- Baulia Road
(Pratapganj), P.S.- Sasaram (Town), District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kuber Pathak, Advocate
For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nasariganj P.S. Case No. 45 of 2022 dated 06.04.2022 instituted for the offences punishable under Section 379 of the Indian Penal Code but later on *vide* order dated 16.04.2022 offences under Sections 409, 406, 411 and 120(B) of the Indian Penal Code has been added.

3. Allegation of theft has been made against the unknown persons, who had cut and taken away an old iron bridge, which was in dilapidated condition, situated near village Amiyawar, without the permission of concerned department.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that F.I.R. has been lodged against the unknown persons and during the investigation, the name of the petitioner has been surfaced on the basis of confessional statement of one Shiv Ji Singh. It is further submitted that other 11 co-accused persons have already been granted bail by the different Benches of this Court, whose details are mentioned in Annexure -2 series. Further, it is submitted that scraps of iron bridge were not recovered from his possession. Lastly, it has been submitted that the petitioner is in custody since 04.11.2022, having criminal antecedents of nine cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate – 1st Class, in Nasariganj P.S. Case No. 45 of 2022, subject to 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 on his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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