

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21240 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- DUMRA District- Sitamarhi

Amarnath Sah, S/O Mahesh Sah, Resident of Village- Mohandih, Ward No.-
15, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dumra P.S. Case No. 96 of 2021 registered on 17.03.2021 for the alleged offences under Section 379 of the Indian Penal Code.

3. As per prosecution case, motorcycle of the informant was stolen from the house of his father-in-law who identified the petitioner who was seen taking away the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was identified by the father-in-law of the informant but it is a case of false implication and the father-in-



law of the informant named the petitioner due to previous enmity and land dispute. Moreover, nothing incriminating has been recovered from the possession of this petitioner. The petitioner is in custody since 11.10.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery of any incriminating article has been shown from this petitioner and further considering his period of custody along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/Court concerned in connection with Dumra P.S. Case No. 96 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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