

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24363 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- LAUKAHA District- Madhubani

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UMESH KUMAR SAH S/O SRI RAMESHWAR SAH R/O Village- Rasuar,
P.S- Marauna (Nadi), Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
28.08.2022, in connection with Sessions Trial No. 75 of 2023
arising out of Laukaha P.S. Case No. 218 of 2022, F.I.R. dated
05.08.2022 registered for the offences punishable under Section
395 of the Indian Penal Code and Section 3/4 of the Explosive
Substance Act.

The F.I.R. of the occurrence of loot is against unknown.

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 petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of the information furnished by



the spy and also on the basis that the petitioner has previous criminal records. He further submits that thereafter some of co-accused persons was also arrested and they have named the petitioner in the present occurrence and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the four cases.

Considering the facts and circumstances of the case, 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 Additional District & Sessions Judge-III, Jhanjharpur, District-Madhubani in connection with Sessions Trial No. 75 of 2023 arising out of Laukaha P.S. Case No. 218 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 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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