

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27327 of 2023

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

UDA NARAYAN SAH S/O BATHAHU SAH R/O Village- Basantpur, Ward
No. 03, Harpurva Nagarpalika, P.S- Chauki, Malangawa, Distt.- Sarlahi
(Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Laukaha
P.S. Case No. 218 of 2022 dated 05.08.2022 corresponding to G.R.
No. 1329 of 2022/ S.T. No. 75 of 2023 registered for the offence
under Sections 395 of the Indian Penal Code and Section 3/4 of
the Explosive Substance Act.

Some unknown persons are alleged to have committed
loot of jewelry and cash of Rs. 140000/-from house of the
informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name



transpired in this case during course of investigation on the information given by the local spy. He further submits that nothing incriminating has been recovered from the house or conscious possession of the petitioner and the prosecution has not conducted the T.I.P. till date. Save and except the secret information, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Umesh Kumar Sah having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 24363 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.09.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Jhanyharpur, Madhubani in connection with Laukaha P.S. Case No. 218 of 2022/ G.R. No. 1329 of 2022/ S.T. No. 75 of 2023 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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