

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36930 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- NIRMALI District- Supaul

Satnam Sah @ Satyanam Sah, Aged about 37 years, Son of Shri Ramdev Sah
Resident of village - Pathrahi, P.S. - Laukaha, Distt. - Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Baleshwar Kamat, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T. No. 57 of 2023 arising out of Nirmali P.S. Case No. 92 of 2022 (G.R. No. 340 of 2022) dated 30.04.2022, instituted for the offence punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that on 28.04.2022 at about 11:30 pm, while the informant along with co-villager, namely, Kailash Singh was going to attend a marriage ceremony by his uncle's motorcycle, four miscreants intercepted them near graveyard and on the point of pistol looted motorcycle, purse having Rs. 1200/- cash, Identity Card & mobile phone from the possession of the informant and Rs. 2700/- cash & mobile phone looted from the possession of the Kailash Singh. Thereafter, the informant lodged the F.I.R. against the four unknown persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely been implicated in this case. It is further submitted that petitioner is not named in the F.I.R. During the course of investigation, another co-accused, namely, Pintu Kumar and Ram Balak Yadav have disclosed the name of the petitioner. Further, it is submitted that the co-accused, namely, Pintu Kumar and Ram Balak Yadav have already been granted bail *vide* order dated 25.07.2022 passed in B.P. No. 457 of 2022 passed by the learned Sessions Judge, Supaul. Nothing has been recovered from the conscious possession of the petitioner. Till date, no ***Test Identification Parade (T.I.P.)*** has been made yet. Lastly, it has been submitted that the petitioner is in custody since 29.08.2022, charge-sheet has been submitted in the case and he has eight criminal cases against him.

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, Birpur, Supaul in S.T. No. 57 of 2023 arising out of



Nirmali P.S. Case No. 92 of 2022 (G.R. No. 340 of 2022),
subject to the following conditions:-

(i) 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.¹⁴

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

(iii) 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.

(iv) 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)

Gaurav Kumar/-

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