

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52229 of 2023

Arising Out of PS. Case No.-336 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sachin Kumar @ Sachin Patel S/O Nagendra Patel R/O Village- Amar
Chhatauni, P.S- Chhatauni/Motihari Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
25.08.2022 in connection with Motihari Muffasil P.S. Case No.
336 of 2021, F.I.R. dated 28.06.2021 for the offences punishable
under Sections 414, 467, 468 and 120B of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

4. Recovery is of one country made pistol loaded with
one live cartridge.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of the disclosure made by the co-



accused, namely, Nitesh Kumar @ Mani Paswan. He further submits that nothing has been recovered from the conscious possession of the petitioner and except the disclosure made by the co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Nitesh Kumar @ Mani Paswan @ Nitish Kumar who has disclosed the name of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 06.05.2022 passed in Cr. Misc. No. 69452 of 2021. The petitioner is in custody since 25.08.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Motihari in connection with Motihari



Muffasil P.S. Case No. 336 of 2021, 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 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.

ii. 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.

iii. 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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