

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54837 of 2023

Arising Out of PS. Case No.-223 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Avadesh Sah @ Awadhesh Kumar S/O Ram Lobhit Sah R/O Village-
Sharifnagar, P.S.-tariyani, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.06.2023 in connection with Tariyani P.S. Case No. 223 of
2021, F.I.R. dated 25.09.2021 for the offences punishable under
Sections 413, 414/34 and 120B of the Indian Penal Code.

3. The petitioner along with his companions are
alleged to have been dealing with the stolen vehicles at the scrap
shop where the vehicles are being cut by the gas cutter.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner has been
named in this case merely on the basis of disclosure made by the
co-accused persons and nothing incriminating has been
recovered from the conscious possession of the petitioner. He



further submits that further recovery has been made from other co-accused persons and the petitioner has not been apprehended on the spot. He further submits that co-accused persons, namely, ***Jhalak Sah and Kuldev Sah*** who has disclosed the name of the petitioner has been granted bail by different co-ordinate Bench of this Court vide order dated 25.07.2022 in Cr. Misc. No. 176 of 2022 and co-accused ***Raju Sah @ Raju Gupta @ Raju Kumar*** has been granted bail vide order dated 26.04.2023 in Cr. Misc. No. 1645 of 2023. The petitioner is in custody since 01.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedent other than the present one but fairly submits that the petitioner is on bail in two cases as mentioned in paragraph-3 of the bail petition.

6. 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 Additional Chief Judicial Magistrate – IInd, Sheohar, in connection with Tariyani P.S. Case No. 223 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)

Aditi

U		T	
---	--	---	--

