

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58107 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- BELA District- Sitamarhi

PRAMOD KUMAR SAH @ DOCTOR SAHEB S/o Bhikhari Sah R/V- Shiv
Nagar, P.S.- Bela, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar,Adv.

For the Opposite Party/s : Mr.Pronoti Singh,A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bela P.S. Case No. 194 of 2021, registered for the offence punishable under Section 395 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 10.10.2021 at about 12:30 in the night, around 7-8 unknown miscreants had entered into the house of the informant, after breaking the main gate and had taken away the household articles, jewelery, cash etc.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 05.08.2022. The learned counsel for the petitioner has further submitted that the petitioner has been remanded in the present case, only after he was arrested in connection with one another case i.e. Sursand P.S. Case No. 561 of 2021. It is further submitted, by referring to paragraph no.9 of the present petition that only after the petitioner was arrested in the said case, he has been made an accused in all other cases. It is further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the looted articles has been made from the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime, apart from the fact that it is the categorical submission of the learned counsel for the petitioner that no recovery of the looted articles has been made from the petitioner, though I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P.S. Case No. 194 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:00 am. and in the event of two



consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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