

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.196 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- SABAUR District- Bhagalpur

CHHAWINATH SAH Son of Lal Mohan Sah Resident of Village-
Vishwaskhani, P.S.- Narwana, District - Godda (Jharkhand). At Present
resident of Village - Janidih, P.S. - Ghogha, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15003 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- SABAUR District- Bhagalpur

SUNIL MANDAL S/O TETAR MANDAL R/o village- Ammapur, P.S.-
Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25398 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- SABAUR District- Bhagalpur

BINOD MANDAL SON OF SHIV NARAYAN MANDAL R/O-
MADHUBAN DIYARA, PIRPAINTI, P.S.- PIRPAINTI, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 196 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Raj Kishore Singh

(In CRIMINAL MISCELLANEOUS No. 15003 of 2022)

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

(In CRIMINAL MISCELLANEOUS No. 25398 of 2022)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Pushpa Sinha



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 02-01-2023 Heard learned counsel for the petitioners and Ld.
APP for the State.

The petitioners seek bail in connection with Sabour P.S. Case No. 170 of 2021 corresponding to G.R. No. 2750 of 2021, registered for the offences punishable under Sections 406, 420 and 34 of the IPC.

The prosecution case as emerging from the FIR is that on promise to solemnize marriage with a girl, namely, Rubi Kumai, the accused-person, namely, Rampukar Swarnkar took one lakh rupee from the informant, namely, Vijay Kumar. It is further alleged that after marriage, all the accused persons fled away, keeping the jewellery and other articles with them.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that as per the allegation, no case is made out because after marriage, the wife left the husband-informant with all her ornaments which she had received during the ceremony of marriage. In the given facts



and circumstances, the husband has at most remedy under Section 9 of the Hindu Marriage Act. They also submit that investigation in this case is complete and charge-sheet has already been submitted. They further submit that other co-accused person, namely, Rampukar Swarnkar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 1412 of 2022.

The petitioners have been languishing in jail since 21.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. C.J.M., Bhagalpur in connection with Sabour P.S. Case No. 170 of 2021 corresponding to G.R. No. 2750 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the



petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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