

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65651 of 2022

Arising Out of PS. Case No.-392 Year-2018 Thana- GHORASAHAN District- East
Champaran

Manjan Sah@ Upendra Sah S/O Jai Mangal Sah R/v- Koiragawan, P.S.- Jitna,
District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Section 379 of the Indian Penal
Code.

According to prosecution case, the petitioner along
with other accused persons have stolen the motorcycle of the
informant.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that it appears from the F.I.R. that the occurrence took place on 01.10.2018 but the present F.I.R. is instituted on 10.10.2018 i.e. after delay of 10 days without giving any explanation of said delay. He further submits that the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Jai Prakash Kumar and Arvind Pandit. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner was arrested in the present case after 4 years of the date of 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, Arvind Pandit has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.10.2019 passed in Cr. Misc. No. 5330 of 2019 and another co-accused person, namely, Jai Prakash Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.04.2019 passed in Cr. Misc. No. 5744 of 2019. The petitioner is in custody since 02.08.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Ghodasahan P.S. Case No. 392 of 2018, subject to the following conditions:-

1. 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.

2. 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.

3. 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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