

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64661 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- BAJPATI District- Sitamarhi

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Ashok Sah @ Ashok Kumar Son Of Late Ram Ekbal Sah R/O Village-
Dumariya, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 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 395 of the Indian Penal
Code.

According to prosecution case, five miscreants entered
into informant's house and pointed pistol on informant's wife
and demanded key and took ornaments made of gold, silver
ornaments worth Rs. 1,25,000/-, mobile phone, wallet
containing Aadhar card, PAN card etc, and Rs. 50,000/-.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case on the basis of suspicion and the confessional statement of the co-accused person and the self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that till date no T.I.P. had been conducted by the prosecution. He further submits that the petitioner is remanded in the present case from Bathnaha P.S. Case No. 03 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sunil Sharma has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc. No. 34702 of 2022 and another co-accused person, namely, Kamlesh Giri has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.11.2022 passed in Cr. Misc. No. 43005 of 2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 6 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 Sessions Trial No. 203 of 2022 arising out of Bajpatti P.S. Case No. 370 of 2021, 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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