

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67203 of 2022**

Arising Out of PS. Case No.-349 Year-2021 Thana- BATHNAHA District- Sitamarhi

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ASHOK SAH @ ASHOK KUMAR Son of Late Ram Ekbal Sah Resident of
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 : Mr.Dilip Kumar No. 1,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 395 of the Indian Penal Code.

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits
that the petitioner is not named in the FIR. The name of the
petitioner has been transpired during investigation and the
petitioner was remanded in the present case from Bathnaha
P.S.Case No.03 of 2022 on 03.03.2022 and nothing has been
recovered from possession of the petitioner and till date no TIP
has been conducted by the prosecution and the co-accused
person, namely, Amar Giri has been granted bail by this Court
vide order at Annexure-2 to this bail petition and another co-



accused, namely, Kamlesh Giri has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 05.12.2022 passed in Cr. Misc. No.44891 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one and submits that out of six cases, the petitioner is on bail in four cases, as mentioned in para-3 of the bail petition.

Considering the fact and circumstances of the case, 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 learned court below where the case is pending in connection with Bathnaha P.S.Case No.349 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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