

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71056 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- GHORASAHAN District- East Champaran

Naresh Sah @ Ram Naresh Sah @ Rameshwar Sah Son Of Chandrika Sah
R/O Village- Ghhorasahan, P.S.- Ghhorasahn, Dist.- East Champara,
Motihari, At Present- Samanpur, P.S.- Kundwa Chainpur, Dist.- East
Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ghhorasahan P.S. Case No. 01 of 2023, registered on 01.01.2023 for the alleged offence under Section 392 of the Indian Penal Code.

3. As per prosecution case, four unknown miscreants ridding on two motorcycles looted Rs. Two lakhs and three mobile phones from the driver and staff of the informant while they were returning after delivery of consignment. The name of the petitioner transpired during investigation as being involved in the said occurrence.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case as his name transpired in this case on the basis of confessional statement of co-accused Guddu Kumar. Nothing incriminating has been recovered from the person or possession of the petitioner. No Test Identification Parade has been conducted to ascertain the identity of the petitioner as one of the culprits. However, recovery of Rs.40,000/- and a mobile phone has been shown from co-accused Guddu Kumar and he has been enlarged on bail vide order dated 19.09.2023 passed in Cr. Misc. No. 39908 of 2023 by a Co-ordinate Bench. The petitioner has got no criminal antecedent. The petitioner is in custody since 14.08.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the grant of bail to co-accused and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional



Judicial Magistrate, Sikrahna, East Champaran,
Motihari/concerned court in connection with Ghhorasahan P.S.
Case No. 01 of 2023, subject to the conditions mentioned in
Section 437(3) of the Code of Criminal Procedure and also the
following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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