

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80899 of 2023

Arising Out of PS. Case No.-423 Year-2023 Thana- BANKA District- Banka

Navin Kumar Sah Son Of Late Shiv Kumar Prasad R/O - N. C. Chaterjee
Road, Mundi Chak, Bhagalpur, Ps Tilka Manjhi, District Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Krishna, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Banka P.S. case No.
423 of 2023 instituted for the offences under Sections 420, 467,
468, 471 and 120(B) of the Indian Penal Code.

3. Prosecution allegation, in short, is that when the
police party reached the place of occurrence, the accused
persons tried to escape but were apprehended and on search
being made, two Adhar Cards, one cheque and two mobile
phones with SIM cards were recovered from the possession of
the petitioner.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 23.06.2023 and has two



criminal antecedents. Charge-sheet has been submitted in this case. The petitioner has falsely been implicated in the present case. The only specific allegation made in the F.I.R. is that all the three arrested persons including the petitioner is basically a cyber-thug against whom there is already case pending. Learned counsel for the petitioner submits that pendency of case is not an offence particularly, when person is defending his case. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 16.10.2023 passed in Cr. Misc. No. 67198 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the fact that co-accused has been granted bail by a Coordinate Bench of this Court, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banka P.S. case No. 423 of 2023 subject to the following conditions:



(I) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(II) the petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner;

(III) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(IV) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(V) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rudra Prakash Mishra, J)

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