

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23559 of 2024

Arising Out of PS. Case No.-403 Year-2021 Thana- DESARI District- Vaishali

Om Prakash Sah @ Prakash Sah @ Prakash Son Of Rajgir Sah Resident Of
Village - Gadha Chowk, P.S. - Devdha, District - Madhubani, At Present
Resident Of Village - Ajampur, P.S. - Desari, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv
Mr. Rajesh Kumar, Adv
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Desari
(Chandpura OP) P.S. Case No. 403 of 2021 instituted for the
offence under Section 392 of the Indian Penal Code.

3. Prosecution case in a nutshell is that while the
informant was on his way, he was accosted with three unknown
miscreants whereafter, on the point of pistol they snatched the
motorcycle of the informant and fled away.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 10-02-2023 Petitioner
bears seven criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Gudu Ram, and the same has no evidentiary value. Petitioner was not put on TI parade. Nothing has been recovered from the possession of the petitioner. It is lastly submitted that charge sheet has already been submitted in this case.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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 /Desari (Chandpura OP) P.S. Case No. 403 of 2021, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Raj kishore/-

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