

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59916 of 2024

Arising Out of PS. Case No.-139 Year-2022 Thana- KISHANGANJ District- Kishanganj

Bikash Kumar Sah @ Bikash Kr. Sah @ Bikash @ Vikash Sah Son of Satya Narayan Sah @ Satnarayan Sah @ Munna Saha Village- Balwa Jagir, P.S.- Terhagachh, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Kishanganj P.S. Case No. 139 of 2022, instituted for the offences punishable under Section 382 of the Indian Penal Code.

3. The prosecution case, in short, is that, two unknown miscreants snatched a bag from the informant containing cash of Rs. 70,000/-, RC of motorcycle along with other articles and fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner was not arrested on spot. Name of the petitioner has transpired on the basis of confessional statement of co-accused Sachin Gwala and the same has got no evidentiary value. No recovery of stolen articles have been made from the possession of the petitioner as well as no T.I. parade has been conducted in this case. The petitioner has been remanded in this case from Terghagachh P.S. Case No. 54 of 2023 on 08.12.2023 and since then he is in custody. The petitioner has got twelve criminal antecedents in which he is on bail.

5. Learned APP 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 and taking into account the period of custody undergone by the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kishanganj P.S. Case No. 139 of 2022, 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.

(III) 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

