

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81827 of 2023

Arising Out of PS. Case No.-37 Year-2004 Thana- MIRGANJ District- Gopalganj

Rajesh Sah Son of Saheblal Sah Resident Of Village Hathua South Mohalla
Ps Hathua District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 02-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Mirganj (Hathua) P.S. Case No. 37 of 2004, registered for the
offences punishable under Section 395 of the Indian Penal
Code.

3. As per the prosecution case, on 25.02.2004 at about
03:00 A.M., two accused persons entered into the room of
informant who was the Guard of Central Co-operative Bank got
tied by his own *gamcha* by them and they looted the amount
worth Rs. 2,15,115.50 from the Bank.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He further submits that the FIR has been lodged against



unknown persons and the petitioner has no knowledge that his name has been transpired in this case and he was working out of station for his livelihood and due to that reason he has not appeared earlier in this case and was declared absconder. He also submits that no T.I.P. has been conducted in this case till date and there is no recovery of looted amount from the possession of the petitioner. He further submits that charge-sheet has already been submitted and the learned Court Below has also framed the charge on 19.01.2024 in this case against the petitioner and there is no chance of absconding or tampering with the evidence. He also submits that the petitioner has no criminal antecedent and he is in jail custody since 10.02.2023.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties and also period of custody, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Gopalganj or Concerned Court Below in connection with Mirganj (Hathua) P.S. Case No. 37 of 2004, subject to the following conditions:-



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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(Sunil Dutta Mishra, J)

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