

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85812 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SAHIYARA District- Sitamarhi

=====

Rais Sah @ Rahees Sah S/o Ganaur Sah @ Gonaur Sah Resident of Village-
Murahadih, P S.- Kanhauli, Dist- Sitamarhi Petitioner/s
Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2025 Heard Mr. Ashok Kumar Jha, learned counsel for

the petitioner and Ms. Rita Verma, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.06.2024 in connection with Sahiyara P.S. Case No. 55 of
2024, F.I.R. dated 02.05.2024 for the offences punishable under
Sections 395 and 397 of the Indian Penal Code and Section 27
of the Arms Act.

3. According to prosecution case, 5-6 unknown
miscreants have stopped the bus and on the point of pistol
brought the informant in a bamboo clump and looted his bag
carrying Rs. 12,00,000/- and also shot in his abdomen and fled
away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of the disclosure made by co-accused,
Arvind Kumar who was arrested by the police on 07.05.2024



and he confessed that the petitioner was also involved in the present crime in question. He further submits that on the basis of the disclosure made by the co-accused, Arvind Kumar the police have made a search in the house of the petitioner from where Rs. 88,000/- (Eighty eight thousand only) has been recovered. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Arvind Kumar & Anr. who has disclosed/confessed the name of the petitioner have been granted bail by this Court vide order dated 25.09.2024 passed in Cr. Misc. No. 56346 of 2024. The petitioner is in custody since 24.06.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R as well as seizure list that altogether looted amount of Rs. 88,000/- has been recovered from the house of the petitioner and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in connection with Sahiyara P.S. Case No. 55 of 2024, subject to the following conditions:-

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

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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

