

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24169 of 2026

Arising Out of PS. Case No.-85 Year-2014 Thana- JHANJHARPUR District- Madhubani

Pawan Sah @ Pawan Kumar Sah S/o Sant Lal Sah R/o Village- Chhajana,
P.S- Narhaiya, Dist- Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026

Heard Mr. Hansraj, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.01.2019 in connection with Jhanjharpur (Arariya Sangram) P.S. Case No. 85 of 2014, F.I.R. dated 06.05.2014 for the offences punishable under Section 395 of Indian Penal Code.

3. According to prosecution case, the informant alleged that on 05.05.2014 at about 10.40 PM, after closing the wine shop when he was cooking food nearby the shop, in the meantime two persons on a bike came there and demanded liquor, when the informant denied, other three accused persons came and put desi katta on him and started assaulting him and they compelled forcefully to open the shop and took Rs.3500/- from cash box as well as 10 bottles of liquor, they also took Rs.1000/- and a Nokia



mobile phone.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of co-accused, namely, Abhiram and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He next submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.01.2019.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twenty two criminal antecedents in which he has been acquitted in six cases and on bail in fifteen cases.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 Chief Judicial Magistrate, Madhubani in connection with Jhanjharpur (Arariya Sangram) P.S. Case No. 85 of 2014, 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)

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