

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.51292 of 2016**

Arising Out of PS.Case No. -147 Year- 2014 Thana -ISHOPUR District- BHAGALPUR

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1. SANJEEV KUMAR @ SAJEEV KUMAR Son of Sri Nawal Kishore Singh resident of Village- Parihara, P.S.- Bakhari, District-Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      01-12-2016                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 10.07.2015 in a case registered for offences punishable under Sections 394 and 327 of the Indian Penal Code.

The prosecution case is that three miscreants forcing the driver/ informant to stop the Hiwa Truck, overpowered the driver/informant as well as Khalasi, injected sedative drug and then succeeded in removing the said truck along with mobile set and cash of Rs. 15,000/-. The driver and khalasi, who became unconscious were thrown during midst of way, were rescued by the police and were admitted to hospital where, regaining their sense, the instant case has been registered on the fardebeyan of



driver/ informant, Rajeev Kumar Sah. On the next day while they were conducting similar offence the police, during course of raid, arrested many persons including the petitioner and from their possession cash, mobile set along with Bolero Jeep and the articles kept therein as per seizure list were recovered for which, on the self statement of police official, Ariyari (Sheikhpura) P.S.Case No. 173/2014 was registered. Furthermore, it is apparent from the aforesaid Fardbeyan that on interrogation, the apprehended accused disclosed their identity as members of inter-state criminals out of whom at the instance of Neeraj Kumar, Bolero Jeep as well as Hiwa Truck parked at some distance were also seized.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It is further submitted that no T.I.P. has been done and the charge sheet had already been submitted against him, hence there is no chance of tampering with the prosecution evidence. He further submits that one of the co-accused has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 415 of 2016 dated 17.02.2106.

Learned A.P.P. for the State opposes the prayer of bail.

Be that as it may, considering the materials available on



record and charge sheet has already been submitted, hence, the release of the petitioner would not adversely effect his trial, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned 4<sup>th</sup> Additional Sessions Judge. Bhagalpur in connection with S. T. No. 741 of 2015 (arising out of Ishipur ( Barahat) P.S.Case No. 147/2014).

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

**(Nilu Agrawal, J)**

Sudha/-

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