

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47122 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Sanjay Kumar Son of Narayan Prasad, R/o Village- Ramgarhwa, P.S.-
Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Goraul P.S.
Case No. 128/2017 for offences punishable under Section 395 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had taken out his van loaded with fridge, LED TV
Microwave oven etc., 5-6 miscreants intercepted and took the van.
During course of investigation said incriminating articles were
found on the confessional statement of the petitioner in a godown.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and the confessional statement before the police has no evidentiary value in the eye of law. He further submits that no T.I. parade has been done so far, charge-sheet has already been submitted and petitioner is languishing in judicial custody since 06.06.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in three more cases of similar nature and he is a habitual offender, who has committed offence along with his accomplice.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur, in connection with Goraul P.S. Case No. 128/2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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