

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55310 of 2016

Arising Out of PS.Case No. -186 Year- 2016 Thana -BODHGAYA District- GAYA

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1. Sanjay Kumar, son of Talkeshwar Yadav, resident of Village- New Taridih, Bhagalpur, Krishna Guest House, P.S.- Bodhgaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 18-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 24.06.2016 in connection with Bodh Gaya P.S. Case No. 186 of 2016 for offences punishable under Sections 406, 420/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner along with his brothers hacked her face book account and after opening a bank account, operated the official account of Karma Project and Karma Guest House Project, Bodh Gaya after developing an intimacy with the informant. The informant was in-charge of the Karma Project and Karma Guest



House Project, Bodh Gaya and large number of illegal transactions have been made by the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that as many as four cases have been lodged earlier by the informant against the petitioner under various sections of the Indian Penal Code. After developing intimacy, he has opened a fake bank account of Karma Project and Karma Guest House Project to which he was handling in Bodh Gaya and that one case has been lodged by his wife, as such, he has vehemently opposed the prayer of bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



CJM, Gaya, in connection with Bodh Gaya P.S. Case No. 186 of 2016 subject to the following conditions:-

- (i) that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner;
- (ii) that the petitioner will not induce or tamper with the evidence;
- (iii) that petitioner will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds;
- (iv) that the petitioner will deposit his passport before the learned court below and may go outside India after seeking permission of the learned Court below.

(Nilu Agrawal, J)

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