

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14521 of 2021**

Arising Out of PS. Case No.-80 Year-2017 Thana- RAHUI District- Nalanda

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SANJAY THATHERA SON OF PHAKIRA PRASAD Resident of Hilsa,
Bihari Road (Bihar Road), Shivnagar, P.S.- Hilsa, Distt.- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Rahui P.S. Case No. 80/2017 registered for

the offences punishable under Section 395 of the Indian Penal

Code.

As per prosecution story, the informant along with

his friend sanjay Kumar were returning to their house on

motorcycle, in the way he saw that the road was blocked by

putting a tree, when he stopped his motorcycle 7-8 persons



surrounded him, some of them were armed with pistol and wood cutter in their hand. The accused persons looted cash of Rs. 30,000/- and three mobile phones.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is not named in the F.I.R., the name of the petitioner has come on the basis of confessional statement of co-accused and the petitioner is in custody since 26.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that he is not named in the F.I.R., the F.I.R. is against 7-8 unknown persons who had allegedly looted cash amount of Rs. 30,000/- and three mobiles from the informant, there is no recovery from the possession of the petitioner, he has not been put on T.I.P. and the co-accused, on whose confessional statement the name of the petitioner has been transpired, have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 34026/2017, Cr. Misc. No. 33073/2017 and in Cr. Misc. No. 31644/2019, the petitioner has been remanded in this case on 26.08.2020 and



in only case against him in which he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1, Nalanda at Biharsharif, in connection with Rahui P.S. Case No. 80/2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

