

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16629 of 2021**

Arising Out of PS. Case No.-42 Year-2019 Thana- GORAU District- Vaishali

=====

Sandeep Kumar Jha @ Sanjeet Kumar Jha @ Monu Jha S/O Pramod Jha
Resident Of Village Morwa Dih, Ps Musrighrari, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy
For the Opposite Party/s : Mr. Jai Narain Thakur

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 12-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Garoul P.S. Case
No. 42/2019 registered for the offence punishable under Section 395
of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is
that petitioner along with three co-accused persons entered into the
office of the informant and on the point of gun looted Cash of Rs.
8,16,242/- and Rs. 1,30,551/-. It is also alleged that after committing
the said offence they took away the hard disc of C.C.T.V. Camera.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is not named in the F.I.R. and only on suspicion he has falsely been implicated in the present case. He submits that there is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused *Rahul Kumar Jha* which has no evidentiary value in the eye of law. He further submits that similarly situated co-accused *Rahul Kumar Jha* has been granted bail *vide* order dated 31.01.2020 in Cr. Misc. No. 1861 of 2020 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has four criminal antecedents as has been mentioned in para 3 of this bail petition and he is languishing in custody since 21.09.2020

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the fact that similarly situated co-accused has already been granted bail, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Garaul P.S. Case No. 42 of 2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

