

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31818 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- NAWADA District- Nawada

Sanjeev Singh @ Sanjeev Kumar, aged about 36 years, Male, Son of Arvind Singh, Resident of Village- Panki, 63, P.S.- Silao, District- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-01-2021

Heard Dr. Amrendra Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Nawada (Town) Case No.212 of 2020 dated 05.03.2020, instituted under Sections 395, 397 of the Indian Penal Code and 25(1-b)a, 26, 27 of the Arms Act, 1959.

3. The allegation against the petitioner, though not named in the FIR, is that he along with 6-7 persons having pistol, revolver and other deadly weapons, entered the house of the informant while the inmates were sleeping and snatching gold chain, earrings, other ornaments and rupees four lakhs cash after breaking the almirah and also mobile phone etc.

4. Learned counsel for the petitioner submitted that



the petitioner besides being not named in the FIR has been implicated only on the basis of confessional statement of named accused Sonu alias Md. Zafar due to personal grudge. Learned counsel submitted that no recovery has been made from the petitioner and though he has been identified in Test Identification Parade (TIP), the same has been done more than three months after his arrest and, that too, after he was produced in the Court on, at least, five occasions, thus, rendering the TIP meaningless. Learned counsel submitted that though there are three other cases against the petitioner, but all are arising out of family dispute. It was further submitted that the petitioner is in custody since 06.03.2020.

5. Learned APP submitted that named accused Sonu alias Md. Zafar and another accused, Prem Kumar, have taken the name of the petitioner also as their accomplice.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in Nawada Town PS Case No.212 of 2020, subject to the conditions (i) that one of the bailors shall be a



close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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