

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7877 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- SARAIYA District- Muzaffarpur

Pankaj Kumar Jha, Son of Harendra Jha, Resident of Village - Bahilwara,
Police Station - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 31-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Saraiya
P.S. Case No.461 of 2020 registered for the offence punishable
under Sections 392, 411 and 364 of the Indian Penal Code.

F.I.R. alleges that the informant has sent his vehicle
from Haryana with a Driver for bringing labourers. After some
time, the Driver has lost communication. When the informant



became suspicious, he started looking for the vehicle and with the aid of G.P.S., the same was located near the petitioner's house.

Petitioner's counsel submits that it was the specific case of the petitioner that he has purchased the vehicle from one Md. Akhtar alias Damaru for a sum of Rs.40,000/-. During the course of investigation, Md. Akhtar alias Damaru has also been arrested. He has confessed that he along with one Amitesh has stolen the vehicle. Statement to the effect has also been given by one Vishal and Gulshan who have come along with the informant from Haryana. Having no criminal antecedents, it is submitted that the petitioner has become a victim of circumstances. He is in custody since 15.07.2020. Co-accused Md. Akhtar alias Damaru has been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Miss Smita Gaurav, learned Additional Chief Judicial Magistrate-4th (West) Muzaffarpur, in connection with Saraiya P.S. Case No.461 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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