

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15515 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- MANSI District- Khagaria

Sanjay Singh @ Sanjay Kumar, Son of Brahamdeo Singh Resident of village
- Amani, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Sessions Trial No.308/2021 arising out of Mansi P.S. Case
No.205/2021 instituted under Section 392,395,412 of the Indian
Penal Code.

The allegation in the FIR is that four unknown persons
barged into the home of the informant and looted 800 Grams of silver
worth Rs.40,000/- and 110 Grams of gold worth value of five lacks
rupees and cash of Rs.25,000/- besides.

Learned counsel for the petitioner submits that the case
was lodged against unknown. Subsequently, the police picked him
and forced to make confessional statement accepting participation in
the present case. He has made a categorical statement in paragraph 7



& 8 that neither any TIP has been done nor any looted article has been recovered from his possession. He submits that he is in custody since 25.09.2021 (as stated in para-7 of the bail application). He lastly submits that some of the co-accused have since been granted bail vide Cr. Misc. No.20965 of 2022 (Sulendra Paswan @ Surendra Paswan vs. The State of Bihar) on 08.08.2022, Cr. Misc. No.64749 of 2021 (Saroj Kumar vs. The State of Bihar) on 19.04.2022, Cr. Misc. No.64090 of 2021 (Saroj Kumar vs. The State of Bihar) on 08.04.2022. Let the same be kept on the record.

Taking into account the categorical statement made by the petitioner that despite his alleged self-confession before the police, nothing has been recovered relating to the present case either from his possession or from his house and no TI Parade has been done, is in jail since 25.09.2021, charge-sheet stands submitted and others have been granted the privilege of bail, this Court is inclined to release him on bail. If, however, it is found that contrary to the statement made by him, anything was recovered relating to the present loot, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sessions Trial No.308/2021 arising out of Mansi P.S. Case No.205/2021 to the satisfaction of learned Additional Sessions Judge, IV, Khagaria, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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