

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15960 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- MADANPUR District- Aurangabad

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SANJAY KUMAR Son of Late Anil Prasad Resident of village - Lakh
Dihara, P.S.- Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Sharma

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Madanpur P.S. Case No. 362 of 2021, registered for the

offences punishable under Sections 395 and 397 of the

I.P.C.

The prosecution story in brief is that the informant,

who is owner of the truck, bearing Registration No. NL01AD-



1956, has alleged that the petitioner and his associates had assaulted his driver and *khalasi* and also looted his truck, in which *Sariya* (steel) was loaded.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged on account of alleged *dacoity and* three persons have been named as accused in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and his name has emerged only from confessional statement of one of the co-accused. The police has arrested the petitioner during the course of investigation only on the basis of suspicion. He further submits that no recovery has been made from conscious possession of the petitioner. However, as per the petitioner, he deals with *Sariya* and the seized *Sariya* is part of the material of his shop and not of alleged goods of *dacoity*. He further submits that no Test Identification Parade has been conducted till date.

The petitioner is languishing in jail since 23.12.2021.



It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case, namely, Sasaram P.S. Case No. 26 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 362 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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