

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19181 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAIRA District- Saran

SANJEET NUT Son of Late Bachcha Nut A resident of Village - Pateraha
(Tujarpur), P.s. - Khaira, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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 Khaira P.S. Case No.01/2022 instituted under Section 395
of the IPC.

The prosecution story, in brief, is that the informant
resides on rent in the house of one Dudhnath Rai near Khaira
Railway crossing and at night some unknown miscreants
entered into his house and looted ornaments and cash of
Rs.85,000/- from Almirah. On the noise, the informant woke up
then four accused persons caught hold and assaulted him by butt
of the pistol on his head and he fell down there, then all accused



persons stole the articles of the informant's house and fled away. The case was registered against unknown person. Accordingly, the FIR was lodged.

In this matter, case diary was called for on 28.07.2022 which has since been received.

Learned counsel for the petitioner submits that he do not carry any criminal antecedent and despite the fact that he is in custody since 08.01.2022 (as stated in para-6 of the bail application), nothing has been recovered from his conscious possession nor any T.I. Parade has been done (Para-9 and 14 respectively).

It is his last submission that to his knowledge, some of the similarly placed co-accused have been released on bail by the learned Trial Court itself.

Learned APP on the other hand opposes the prayer for bail stating that his role in the alleged loot cannot be ignored in view of the fact that he has confessed to the crime.

Considering the period of custody (08-01-2022), the petitioner do not have criminal antecedent, charge-sheet stands submitted, no T.I. Parade done or anything recovered, this Court is inclined to grant him privilege of bail. If, however, it is found that any statement is found to be incorrect in the bail application



and/or the submissions put forward by the learned counsel for the petitioner, is/are false, 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 Khaira P.S. Case No.01/2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Saran, Chapra, 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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