

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32316 of 2022**

Arising Out of PS. Case No.-430 Year-2020 Thana- GAYA MUFASIL District- Gaya

Sanjay Mistri S/o Late Dukhan Sao Resident of Mohalla- Chotaki Nawada,
P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Anita Kumari, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 29-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Gajendra Kumar Singh, learned counsel for the petitioner and Mrs. Anita Kumari, learned APP for the State are present.

Petitioner seeks regular bail in connection with Mufasil Gaya P.S. case no. 430 of 2020 registered for the offences punishable under Sections 365, 366, 379 and 34 of the Indian Penal Code.

As per the allegation, co-accused namely Shatrudhan got the informant abducted by using his tempo when the said victim was travelling by tempo of the said co-accused and thereafter, the victim was brought and kept in the house of the co-accused Paneshwar Pandey and the petitioner is alleged to be involved in the alleged abduction and as per further allegation



made in the FIR this petitioner snatched away the ear rings of the informant, Rs. 10,000/- and a bag from the possession of the informant and thereafter the informant anyhow managed to escape from the clutch of the accused persons and the petitioner's mobile phone which was used by the victim was handed over to the police by her.

The main submissions advanced by Mr. Gajendra Kumar Singh, learned counsel for the petitioner are that the petitioner has no criminal antecedent and he has been languishing in jail since 25.11.2020 and two similar situated co-accused persons namely Shatrudhan and Paneshwar Pandey have been granted bail by the learned Court below and upon the petitioner charge has been framed on 10.03.2021.

Mrs. Anita Kumari, learned APP has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's custody period and his clean antecedent and mainly taking into account the fact that the co-accused persons carrying almost similar nature of allegation have been considered for regular bail by the court below, in the opinion of this Court, the petitioner deserves to a lenient approach, let the petitioner 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 the concerned Court in connection with Mufasil Gaya P.S. case No. 430 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

siddharthkr/-

U		T	
---	--	---	--

