

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32878 of 2022

Arising Out of PS. Case No.-146 Year-2018 Thana- AMAS District- Gaya

Sanjay Kumar Sinha @ Motka S/o Ramratan Prasad R/o village- Malpa, P.S.-
Guraru, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed
within four weeks of start of normal functioning of the physical
court.

Petitioner seeks bail in connection with Amas P.S. Case
No. 146 of 2018 registered for the offences punishable under
Sections 392 of the I.P.C.

According to prosecution case, this case has been
instituted on the written information of informant namely Arjun
Prasad whereby he has stated that on 19.06.2018 the driver Ajay
Sao of his Bolero Pickup Van Bearing Registration No.
JH01CX4945 has gone to Varanasi loaded with vegetable and was
returning on 20.06.2018. In the meantime at about 12.30 in night
reached near Karmaine More on blue colour four wheeler four
miscreants reached there overtake and stopped the vehicle and



further directed to the driver to sit on their vehicle and threatened with dire consequences. The further case of prosecution is that one of the miscreants has taken the key of Pickup van and fled with vehicle along with mobile bearing registration No. 9162018033 of the driver and cash of Rs. 7.500/- kept in the vehicle. Hence the case has been registered.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused namely, Raja Kuraishi @ Sarfraj. He further submits that nothing has been recovered from conscious possession of the petitioner and till date prosecution has not conducted the T.I.P. and the police after investigation submitted charge sheet against the petitioner and the petitioner has remanded in the present case from Daudnagar P.S. Case No. 248 of 2018 on 12.12.2021 Similarly situated, co-accused, namely, Abadhesh Yadav @ Punjabi @ Awadhesh Kumar has been granted bail by a Co-ordinate Bench of this court vide order dated 09.09.2021 passed in Cr. Misc. No.28260 of 2021. Petitioner is in custody since 12.12.2021.

The learned Additional Public Prosecutor opposed the prayer for bail of the petitioner and submits that the petitioner



carries three more cases other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Addl. Chief Judicial Magistrate, Sherghati (Gaya) in connection with Amas P.S. Case No. 146 of 2021, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ravi/vanisha/-

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