

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34852 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- GAMAHARIYA District- Madhepura

SANJAY SADA Son of Bechan Sada Resident of Village Sihpur @ Singhpur,
Police Station - Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Gamharia P.S. Case No. 27 of 2022 for the offences under
Sections 379/411 of the Indian Penal Code.

As per the FIR, the informant alleged that he was
sleeping at his maternal uncle's home and when he woke up, his
mobile charger as also head phone were missing. He kept on
calling the number and the same was picked up by one Vishal
Kumar, who claimed that he has purchased the same from
Sanjay Sada (the petitioner herein). Accordingly, both the
accused persons, namely, Vishal Kumar and Sanjay Sada were



taken into custody and this FIR was lodged.

Learned counsel for the petitioner submits that without going into the allegation, he intends to deposit a sum of Rs. 5,000/- through demand draft issued by the State Bank of India local branch in favour of Patna High Court, Legal Services Authority. So far as the merit of the case is concerned, he submits that he had absolutely no concern with the co-accused Vishal Kumar, who was carrying the mobile and only to save his skin, the said Vishal Kumar named him as his associate leading to his implication in this case as also his incarceration.

Taking into account the aforesaid fact that he is in custody since 21.04.2022, charge sheet stands submitted and his name has come in the confessional statement of co-accused, Vishal Kumar from whom the mobile was recovered, this Court is inclined to grant him privilege of bail subject to the undertaking given by the counsel for the petitioner of depositing a sum of Rs. 5,000/- to the Patna High Court, Legal Services Authority through demand draft issued by the State Bank of India local branch to be submitted at the time of his release before the trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura in connection with Gamharia P.S. Case No. 27 of 2022, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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