

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35186 of 2022**

Arising Out of PS. Case No.-68 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

SARVJEET KUMAR @ HARIOM S/o Surendra Saw @ Suren Saw Resident
of Village- Bansgarha Bind Toli, P.S.- Mednichouki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mrs.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 27-09-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Piri
Bazar P.S. Case No. 68 of 2021 registered for the offence
punishable under Section 382 of the Indian Penal Code.

As per prosecution case, four persons entered into
house of the informant and took away mobile, golden ornaments
and other articles.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and the name of present



petitioner has been surfaced in this case on the confessional statement of co-accused Prince Kumar, as mentioned in para-23 of the case diary. Petitioner is in custody since 22.07.2021 and bears criminal antecedent of four cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from possession of the petitioner. No TIP was conducted in the case. Petitioner was remanded in the present case from Piri Bazar P.S. Case No. 81 of 2021. He further submits that co-accused Prince Kumar has already been granted bail by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Lakhisarai in connection with
Piri Bazar P.S. Case No. 68 of 2021, subject to following
conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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