

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.44629 of 2021

Arising Out of PS. Case No.-542 Year-2020 Thana- PATRAKARNAGAR District- Patna

SANJAY SAO @ BHOLA THATHERA S/o- LATE MUNNA PRASAD R/o-
Sakari Gali Gawal Toli, P.S.- Alamganj, Distt- Patna. At present- in the house
of Late Prakash Sao, Beldar Tola, Bela Bazar, P.S.- Bela, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 10-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 30.01.2021,
seeks regular bail in connection with Patrakar Nagar P.S. Case
No. 542 of 2020 for the offence punishable under Sections 356
and 379 of the Indian Penal Code.

The prosecution case, in brief, is that when the



informant was returning to her house, two motorcycle borne miscreants near Nala at Kanti factory snatched her golden chain with Ganpati locket from her neck and fled away towards bypass.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged. Petitioner is not named in the F.I.R. His name has surfaced in this case on his confession before the police which has no evidentiary value in the eye of law. Neither any incriminating article has been recovered from the possession of the petitioner nor he has been put on T.I. parade. He has falsely been implicated in this case because of the fact that he has been made accused in ten cases prior to this case. Petitioner is in custody since 30.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner is habitual offender and he is accused in ten cases prior to this case, hence the petitioner is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, custody of the petitioner as under trial prisoner and there is no chance of completion of trial soon due to COVID-19, the petitioner, above named, is directed to be



enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 542 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) Considering the criminal antecedent of the petitioner, the petitioner is directed to make his attendance before the concerned police station under which his house is located every week at 9 AM on Saturday till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled



**and the concerned SHO of the police station shall submit his
monthly attendance report to the Senior Superintendent of
Police, Patna.**

(Purnendu Singh, J)

mantreshwar/-

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

