

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45966 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- EKANGARSARAI District- Nalanda

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SANJEEV KUMAR S/o PARMANAND SAW R/o VILLAGE-
VISHNUPUR, P.S-NAGARNAUSA, DISTRICT-NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard learned counsel appearing on behalf of the

petitioner as well as learned APP for the State.

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

Petitioner who is in custody since 12.11.2020 seeks
bail in connection with Ekangarsarai P.S. Case No.162 of 2020
registered for offence punishable under Section 379 of the IPC.

Prosecution case in brief, is that one Swaraj tractor
bearing registration no. BR25G9910 having Chassis No.
WZTH25428157842 and Engine No.33.1008/52HO 4779 was
stolen while it was parked at Chandehra Khanta.

Learned counsel appearing on behalf of the petitioner
submits that since several cases are pending against the
petitioner, he has been roped in the present case as well on the



basis of confessional statement of one co-accused. Neither any incriminating article has been recovered from the conscious possession of the petitioner nor he has been put on T.I. parade. Petitioner is in custody since 12.11.2020 and another co-accused namely Laxman Rajak has been granted bail by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 27095 of 2021.

Learned counsel for the State submits that petitioner has got a very long list of criminal antecedent showing his involvement in not less than eleven cases which were registered against him as mentioned in Para-3 of the bail petition. There is every likelihood of witness or evidence being tampered with and being adversely influenced under the coercive clout of criminality of the petitioner. Involvement of the petitioner in eleven cases is not an ordinary circumstance and cannot be lightly ignored. Hence the petitioner does not deserve to be released on bail.

Considering the above-mentioned facts and circumstances of the case, nature of allegation, on perusal of the FIR it appears that petitioner has not been named in the FIR, however, there is specific averment made by the petitioner that his name has been roped in the present case on the basis of confessional statement of the other co-accused and another co-



accused namely Laxman Rajak has been granted bail by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 27095 of 2021, the court below is directed to verify the criminal antecedent of the petitioner and if it is found that no other case is pending against the petitioner as stated in Para-3 of the present bail application, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs.2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa at Nalanda in connection with Ekangarsarai P.S. Case No.162 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) The petitioner will make his attendance before the concerned police station under which his house is located every week at 9 AM on Tuesday 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 Superintendent of Police, Nalanda.

(Purnendu Singh, J)

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