

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36593 of 2022

Arising Out of PS. Case No.-521 Year-2021 Thana- JAKKANPUR District- Patna

Sanjivan Kumar, S/O Kuldeo Mahto @ Kuldip Mahto, Resident of village-
Bahura, Sonagopalpur, P.S.- Gaurichak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 446 of 2022 arising out of Jakkanpur P.S. Case No. 521 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant was waylaid by four miscreants of his commercial vehicle on which 140 tins of 15 litres each of refined oil was loaded. The name of the petitioner transpired during investigation as one of the accused persons.



The learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been falsely implicated in this case. The name of the petitioner transpired during investigation in the confessional statement of co-accused Manishankar. His name came up in this case only on the basis of suspicion. The looted articles were recovered from the possession of other co-accused persons but no article was recovered from the conscious possession of the petitioner. The petitioner is in custody since 05.01.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the name of the petitioner transpired during investigation.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVIII, Patna in connection with Sessions Trial No. 446 of 2022 arising out of Jakkanpur P.S. Case No. 521 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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