

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67366 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- RAHIKA District- Madhubani

Sanjay Kumar Jha @ Sanju Baba, Son of Late Babu Prasad Jha Resident of
Village-Rahika Khotha Tola Ward No. -14,P.S. - Rahika, District -
Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Rahika P.S. Case No.69 of 2021 instituted under Sections 411, 413 and 414 of the Indian Penal Code and Section 25(1-B)a/26 of Arms Act.

As per the FIR, the police upon secret information intercepted a motorcycle who tried to flee away but was apprehended. A countrymade revolver with live cartridge was recovered from his possession. He failed to produce any paper either relating to the motorcycle or the countrymade pistol, instead threatened the police that he is in this business for long and had been in a jail in U.P. in this regard. He further



threatened the police that he is in contact with several big people and no one can do anything to him.

Learned counsel for the petitioner submits that even if the FIR is taken in toto, it seems that the petitioner has threatened the police but the same seems to be an exaggeration and as such in view of the fact that there is only recovery of a countrymade pistol and live cartridge and he has no criminal antecedent contrary to what has been alleged in the FIR as also the fact that he is in jail since 27.05.2021, he may be released on bail. He further submits that if it is found that the police version relating to the statement of the petitioner that he has been in jail in U.P. is true, this bail may become infructuous.

Considering the fact that he is in jail since 27.05.2021 and charge-sheet stands submitted and as per para-3 of the bail application he has no criminal antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous. It is further important that certain conditions be imposed on the petitioner while releasing him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each in connection with Rahika P.S. Case No.69



of 2021 to the satisfaction of learned Judicial Magistrate, 1,
Madhubani, subject to following conditions:

(i) both 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 cancellation of his
bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every fifteen days 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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