

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67201 of 2021

Arising Out of PS. Case No.-24 Year-2017 Thana- KHUDAGANJ District- Nalanda

SANJAY THATHERA S/o- Phakira Prasad R/o Village- Bihari Road, P.S.- Hilsa,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari, A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Khudaganj P.S. Case No. 24 of 2017 registered for the alleged offences under Sections 395 and 397 of the Indian Penal Code.

As per prosecution case, 15-16 miscreants looted Rs. 2,72,000, mobile phones, silver chain etc., from the informant and two other persons. The name of the petitioner transpired as one of the miscreants who was involved in the dacoity.

Learned counsel for the petitioner submits that nothing incriminating has been recovered from person or possession of the



petitioner. No Test Identification Parade was conducted for identification of this petitioner. The name of the petitioner came up in the confessional statement of co-accused Bijendra Kewat and Ram Pravesh Kewat. Except for this confessional statement, there is nothing against the petitioner. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his possession at his instance. Other co-accused Bijendra Kewat has been granted bail vide order dated 19.07.2018 in Cr. Misc. No. 34640 of 2018 and co-accused Bade Bind has been granted bail vide order dated 26.11.2018 in Cr. Misc. No. 67770 of 2018 and co-accused Shiv Balak Kewat has also been granted bail by another Coordinate Bench vide order dated 29.08.2019 in Cr. Misc. No. 5680 of 2019. The petitioner is in custody since 27.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner is a member of gang of dacoits and is having a number of cases pending against him.

Perused the record.

Having regard to the fact and circumstances submission made on behalf of the parties and considering the fact that nothing incriminating has been recovered at the instance of this petitioner or his possession and further considering the period of custody along with submission of charge sheet, 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 A.C.J.M.-1st, Hilsa, District-Nalanda in connection with Khudaganj P.S. Case No. 24 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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