

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70040 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- NAUTAN District- West Champaran

Sanjay @ Kallu @ Sanjay Prasad, S/o Shambhu Prasad, Resident of Khap
Tola, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Nautan (Jagdishpur) P.S. Case No. 120 of 2021
registered for the alleged offences under Sections 379, 414 and
34 of the Indian Penal Code.

As per prosecution case, the petitioner and co-accused
Sonu Kumar made an attempt to commit theft of the motorcycle
of the informant. The co-accused was apprehended from the
spot and he named this petitioner who fled away from the place
of occurrence.

Learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. He has not been put to any Test Identification Parade. The co-accused has named this petitioner as an accomplice due to some annoyance with him and as the local police is hostile towards the petitioner, he has been named in a large number of cases. From the facts and circumstances, no offence under Section 379/511 I.P.C. is made out against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 20.07.2021.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he 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 Judicial Magistrate-1st Class, Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No. 120 of 2021, 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)

V.K.Pandey/-

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