

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26759 of 2023**

Arising Out of PS. Case No.-345 Year-2022 Thana- RAFIGANJ District- Aurangabad

SANDHIR SAW @ SANDHIR KUMAR Son of Doman Saw R/V- Jhari, PS-
Uphara, Bhelwandi, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
15.02.2023 in connection with Rafiganj P.S. Case No. 345 of
2022, F.I.R. dated 05.09.2022 registered for the offence
punishable under Sections 461, 379 and 414/34 of the Indian
Penal Code.

The case relates to commission of loot from the shop
of the informant from where several articles have been stolen by
the unknown persons.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that the
petitioner is not named in the FIR and the name of the petitioner



has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Dharmendra Kumar @ Bohan and Upendra Paswan. Further submits that some article has been recovered from the Garage of the petitioner and the prosecution claimed that the same is theft article from the shop of the informant. Further submits that the same is not put on TIP till date and the co-accused person, namely, Dharmendra Kumar @ Dharmendra Kumar Mahto @ Baban has been granted bail by this Court vide order dated 04.04.2023 passed in Cr. Misc. No.71785 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 345 of 2022 ,with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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