

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25298 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- PATRAKARNAGAR District- Patna

Sanjay Kumar Son Of Late Naresh Prasad Resident Of Village- In Front Of
Kotgast Chowki Near Bhinak Chowraha, Gurhatta, Patna City P.S- Khajekala,
Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Petitioner seeks bail, who is in custody since
13.07.2022, in connection with Patrakar Nagar P.S. Case No.
407 of 2022, F.I.R. dated 12.07.2022 registered for the offences
punishable under Sections 457/380 of the Indian Penal Code.

Allegation against the petitioner is of committing theft
of informant's wife *brachlethe* and other articles from the
almirah and all articles of almirah were found scattered. In
course of inquiry, it was seen in the CCTV phootage that Sanjay
Kumar was the person who was wearing his son's school T-shirt
and a Pithoo bag on back side and identified him as his driver.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the informant is not an eye witness of the alleged occurrence and nothing has been recovered from the possession of the petitioner. He further submits that the confessional statement of the petitioner was recorded leading to recovery of some theft articles from his house and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Patna in connection with Patrakar Nagar P.S. Case No. 407 of 2022, subject to 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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