

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68903 of 2022**

Arising Out of PS. Case No.-217 Year-2022 Thana- RAFIGANJ District- Aurangabad

=====

SANJAY KUMAR @ SANJAY MAHTO Son of Ram Naresh Mehta Resident
of Village - Bour, P.S.- Rafiganj, District - 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 : Mrs. Pushpa Sinha, A.P.P.

=====

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

4 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.07.2022 in connection with Rafiganj P.S. Case No. 217 of
2022, F.I.R. dated 19.06.2022 for the offences punishable under
Sections 385, 386 of the Indian Penal Code.

According to prosecution case, in brief, is that the
informant namely, Ambuj Sharma alleging therein that on
12.06.2022 at about 12:00 in the night time and unknown person
came on pool and handed over an envelop in the hand of staff
working on pool construction site, and give it to Munshi Ji and
said he will against contact. On 15.06.2022 the informant's
Munshi handed over said envelop to the informant wherein
demand of levy also mentioned. On 18.06.2022 at about 07.42



PM a phone call from mobile No. 9006573468 received by the informant and the caller introduced himself as Amarjit and that he belonged to Sangathan and he said he had given a letter on 12.06.2022 and he threatened to stop the work if he is failed to pay levy and there will be military action as well.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Naresh Paswan. He further submits that except the confessional statement of co-accused namely, Naresh Paswan no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Naresh Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Cr. Misc. No. 53072 of 2022 and another co-accused namely, Bhim Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 50126 of 2022 and another co-accused namely, Shiv Kumar Mahto has been granted bail by a co-ordinate Bench of this



Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55914 of 2022 and the case of the petitioner is in better footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which, he is on bail.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 217 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 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)

mdrashid/-

U		T	
---	--	---	--

