

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46878 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- DESARI District- Vaishali

Sanjeev Kumar Son of Ramji Mahto @ Ramjee Mahto VILLAGE-
SONEPUR BARBATT, WARD NO. 10, P.S.- SONEPUR, DISTT.- SARAN
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ravish Mishra, the learned Counsel for

the petitioner and Mr. Pradeep Narain Kumar, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 30.01.2024, in connection with Desari (Sahdei O.P.) P.S. Case No. 322 of 2023, FIR dated 23.09.2023, registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. According to the prosecution case, the informant, Anil Rai on 23.09.2023, at 5 A.M in the morning when woke up, he saw that the door of the house was opened and cash Rs.1,15,000/- and the ornaments, which were kept in a box as mentioned in the written report were stolen away after breaking the box, by the unknown thieves. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and



he has not named in the F.I.R. The petitioner is transpired on the basis of the confessional statement of the co-accused, namely, Jyotish Kumar which was recorded in Patori P.S. Case No. 603 of 2023 and thereafter, the petitioner has also confessed his guilt in the present occurrence and nothing has been recovered from his conscious possession or the house of the petitioner and the co-accused person, namely, Rahul Kumar @ Rahul Mahto has been granted bail vide order dated 21.09.2024 in Cr. Misc. No. 46683 of 2024 and the police have submitted charge sheet and the petitioner is in custody since 30.01.2024.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries nine cases other than the present one but fairly submits that on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters.

6. 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 only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 322 of 2023,



subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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