

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82955 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

Sanjay Sah @ Sanjay Gupta Son Of Late Bishwanath Sah Resident Of
Village- Khedwa, Police Station- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bhagwanpur Hat P.S. Case No. 226 of 2023 dated 13.0.2023,
instituted for the offence punishable under Sections 379, 414 of
the Indian Penal Code.

3. The prosecution case, in short, is that, the informant
had parked his Bolero vehicle and got out to take breakfast, in
the meantime, Bolero vehicle was stolen and the miscreants
began to flee away. When the informant chased them, one
miscreant caught hold by the nearby people and upon asking, he
disclosed the name of his associates as Sanjay Sah (Petitioner),
Mantoo Mishra, Raju Sharma, who succeeded in fleeing away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that one Keshaw Parvat was apprehended at the spot, who disclosed the name of the petitioner. It is next submitted that nothing has been recovered from the conscious possession of the petitioner and there is no cogent materials available against him and only due to the past criminal antecedents, the name of the petitioner has been dragged in this case. It is further submitted that except suspicion and confessional statement of apprehended persons, there is no specific materials available on record against the petitioner. It is further stated that the said Bolero vehicle has been recovered after one hour. Lastly, it has been submitted that the petitioner has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bhagwanpur Hat P.S. Case No. 226 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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