

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38692 of 2018

Arising Out of PS. Case No.-75 Year-2016 Thana- HULASGANJ District- Jehanabad

Pankaj Kumar @ Rajani Kant son of Sri Umesh Yadav @ Umesh Prasad
Resident of Village - Salempur, Tola Raman Bigha, P.S. Parasbigha, District -
Jehanabad (Bihar) ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Tiwary, Adv.
For the Opposite Party : Mr. Ajit Kumar, APP 73

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 04.08.2016 in connection with S. Tr. No. 171 of 2017 arising out of Hulasganj P.S. Case No. 75 of 2016 for offences alleged under Sections 364, 414 and 34 of the Indian Penal Code.

The prosecution case is lodged by the informant, police personnel, is that during vehicle checking they intercepted a Scorpio vehicle in which seven persons were found travelling. On seeing police, four managed to flee away and three persons were caught by the police. The petitioner was also apprehended and it was found that they had looted the truck driver and khalasi (cleaner) and a sum of Rs.460/- and a licence was found from the possession of the petitioner.

It has been submitted by the learned counsel for the



petitioner that the petitioner is innocent and just because he has a criminal antecedent he has been made accused in the present case, no incriminating article has been recovered from the possession of the petitioner and he undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender as many as four cases of similar nature are pending against him and that some pistol and daggers were also recovered.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 in connection with S. Tr. No. 171 of 2017 arising out of Hulasganj P.S. Case No. 75 of 2016 to the satisfaction of Sri Dharmendra Kumar Jaiswal, Additional Sessions Judge, II, Jehanabad, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of is bail bonds.

(Nilu Agrawal, J)

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