

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7935 of 2019

Arising Out of PS. Case No.-320 Year-2018 Thana- KHIJARSARAI District- Gaya

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PANKAJ MALAKAR @ PANKAJ KUMAR, aged about 21 years, (M) Son
of Satyendra Malakar Resident of Village - Maksudpur, P.S.- Khizarsarai,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Khizarsarai P.S. Case No. 320 of 2018** registered for the offence punishable under Sections 379, 420, 467, 468, 472 and 474/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

Informant has alleged that on secret information received by him that some miscreants have assembled to commit the crime and on receiving the said information he reached said place and on seeing the police personnel miscreants assembled there tried to flee away, however, two were apprehended and three other managed to escape.

It has been submitted on behalf of the petitioner that he



is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 2655 of 2019. Petitioner has got no criminal antecedent and is in custody since 27.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge (Excise), Gaya** in connection with **Khizarsarai P.S. Case No. 320 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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