

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15468 of 2019

Arising Out of PS. Case No.-131 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

PANKAJ KUMAR SINGH, Male, aged about 28 years, Son of Parmanand Singh, Resident of Mohalla-New Khaja Sarai, Police Station-Laheriasarai and District-Darbhangha ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Adv.

For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 22.07.2017 in connection with S. Tr. No. 490 of 2019 arising out of Laheriasarai P.S. Case No. 131 of 2017 for the offences alleged under Sections 147, 149, 341, 323, 504, 506, 353, 342, 332 and 307 of the Indian Penal Code.

The prosecution case, as lodged by the Prison Guard is that while he was on duty he found one Md. Reyaz @ Surya talking on mobile. On the mobile being snatched, the other prisoners, five in numbers, including the petitioner, along with other prisoners, assaulted the Guard and snatched the mobile and tried to throw him from the terrace.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in



the aforesaid case. He submits that there are two simple injuries on the victim, as such, no case under Section 307 of the Indian Penal Code is made out against him. He, further, submits that although the date of incident is 10.04.2017, but, in the present case the petitioner has been taken on remand on 22.07.2017. He, further, submits that other co-accused, named in the first information report, have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 12937 of 2018, dated 06.04.2018, Cr. Misc. No. 17833 of 2018, dated 02.04.2018, and Cr. Misc. No. 45454 of 2018, dated 10.09.2018. The petitioner 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 veteran criminal and as many as 19 cases are pending against him who has been alleged of committing the incident while lodged in the prison, although the petitioner submits that in most of the cases he has been acquitted.

Considering the facts and circumstances and that other co-accused have already been granted the privilege of bail by coordinate Benches of this Court, 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. 490 of 2019 arising out of Laheriasarai P.S. Case No. 131 of 2017 to the satisfaction of the learned Additional Sessions Judge IV, Darbhanga, 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 his bail bonds.

(Nilu Agrawal, J)

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