

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19945 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

Shivkamal Pandey S/o Jagdish Pandey Resident of Village- Daiyatha, P.S.-
Kandawa, Distt- Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-06-2020 Heard learned counsel for the parties through video conferencing.

This relates to grant of bail in Chainpur P.S. Case No. 50 of 2020, Gr. No. 226 of 2020 registered for the offence under Sections 418, 419, 406, 420, 311 of the Indian Penal Code.

The prosecution case, in brief, is that on 02-02-2020, this petitioner came at the door of informant and told him that there is treasure of gold buried inside the soil in his house and when informant told him to get these gold out of the soil, the petitioner demanded one lac rupees for ritual puja. Thereafter, the informant provided him one lac and the petitioner, after performing puja and digging the soil in informant's house, gave metal like gold to the informant, which was actually brass.



It is submitted on behalf of petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that though alleged occurrence has taken place on 02-02-2020, but F.I.R. has been lodged on 09-02-2020 and no explanation has been given for such delay. There is also no supporting evidence with regard to the allegation made in the F.I.R. The alleged recovery has been made from the house of informant and petitioner is not accountable for the same. Petitioner is having clean antecedent and he is in custody since 09-02-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Kaimur at Bhabua/concerned court in connection with Chainpur P.S. Case No. 50 of 2020, Gr. No. 226 of 2020 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



(2) 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.”.

(Prabhat Kumar Singh, J.)

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