

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16619 of 2021**

Arising Out of PS. Case No.-154 Year-2019 Thana- BANKA District- Banka

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PANKAJ YADAV Son of Late Manoranjan Yadav Resident of Village -
Lalpur, P.S.- Saraiyhat, District - Dumka (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar No.3, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

It is clarified that in the previous order dated
10.08.2021 due to typographical error the name of A.P.P. has
been wrongly typed as Binod Kumar No.2 in place of Binod
Kumar No.3. Let the same be read accordingly.

Learned counsel for the petitioner has informed this
Court that he has filed an affidavit on 07.09.2021 stating therein
that out of six witnesses, two witnesses have been examined in
course of trial so far.

Let the said affidavit be placed on the record.

Heard learned counsel for the petitioner and Mr.

Binod Kumar No.3, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Banka P.S. Case No.154/2019 registered for the offences punishable under Section 379 of the Indian Penal Code. He is in custody since 29.04.2019. The petitioner has got five criminal antecedents as stated in paragraph '3'.

Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner the learned Predecessor Bench had observed vide order dated 26.08.2020 passed in Cr.Misc.No.11150 of 2020 that the petitioner may renew his prayer for bail after one and half year of judicial custody. Learned counsel submits that the petitioner is in custody in this case since 29.04.2019, therefore, considering this aspect of the matter the petitioner may be enlarged on bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering the facts and circumstances of the case wherein the petitioner has remained in jail for almost two years five months in connection with this case, he is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Banka in

connection with Banka P.S. Case No.154 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.