

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34492 of 2021**

Arising Out of PS. Case No.-51 Year-2020 Thana- AANDAR District- Siwan

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ANKIT PATHAK SON OF CHANDRA BHUSHAN PATHAK Resident of
Village- Khundhauri, P.S.- M.H. Nagar, Hasanpura, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Andar P.S. Case No.51 of 2020 registered for the offence under
Sections 302/34, 212 and 120(B) of the IPC and Section 27 of
the Arms Act.

As per prosecution case, the informant's husband
was killed by the accused persons at his home and the allegation
of assault is alleged by firearm.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case due to



previous enmity was the cause of the occurrence. He further submits that no specific allegation against the petitioner in the FIR. There is general and omnibus allegation against him. He further submits that similarly situated co-accused Mantu Yadav has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 29005 of 2020 vide order dated 21.12.2020 and also one co-accused namely, Chandrabhan Yadav has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 27070 of 2021 vide order dated 05.10.2021. He further submits that petitioner has one criminal antecedent and he is in custody since 15.10.2020.

However, learned APP for the State vehemently opposed the prayer for regular bail.

Considering the period of custody of the petitioner, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan in connection with Andar P.S. Case no. 51 of 2020 with following conditions:-

(i) 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

(Rajesh Kumar Verma, J)

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