

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 31913 of 2020**

Arising Out of PS. Case No.-108 Year-2019 Thana- KANKARBAG District- Patna

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VIKKI PANDEY @ SANJAY PANDEY S.O.- Ganesh Pandey R/o Village-
Hathiya Kanth Sarai, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **01-11-2021** Learned counsel for the petitioner has filed an undertaking, as per procedure. The same is on record.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Kankarbagh Police Station (for brevity, *PS*) Case No 108 of 2019 instituted for the offence punishable under Section 394 of Indian Penal Code and Section 27 of Arms Act.

The informant has stated that two persons have committed robbery and also resorted to firing in the process.

Petitioner's counsel submits that on account of his criminal antecedents in nine cases, the petitioner has been



falsely implicated in this case wherein he was remanded in this case from custody from another case. Specific assertion is that Test Identification Parade has not been held and after framing of charges on 02.12.2019, no witness has turned up whereas the petitioner is in jail since 11.06.2019. Other similarly situated co-accused Chhotu @ Prince has already been granted bail by this Court in Cr Misc No 38613 of 2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Patna in connection with Kankarbagh PS Case No 108 of 2019 subject to the following conditions:-

(i) 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.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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