

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39245 of 2020

Arising Out of PS. Case No.-121 Year-2016 Thana- GAUNAHA District- West Champaran

RAJESH PANDEY @ RAJESH KUMAR PANDEY son of Virendra Pandey
Resident of Village- Gaunaha, P.S.- Gaunaha, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bashishtha Narayan Mishra, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to remove
all the defects within three weeks from today.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Gaunaha P.S. Case No.121 of 2016
registered for the offences punishable under Sections 189, 323,
333, 353, 379, 447, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the allegation this petitioner as well as co-accused Fatma Khatoon
had entered in the bank premises forcibly and they have got
involved in a scuffle with the bank staffs and a lady constable
deputed in the bank and committed theft.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.



Learned counsel submits that in course of investigation the petitioner was given privilege under Section 41(1) of the Code of Criminal Procedure, he has cooperated in course of investigation and the allegation of theft is only superficial as there is no specific allegation that the petitioner has committed any theft.

Learned counsel submits that the co-accused similarly situated Fatma Khatoon has been granted privilege of anticipatory bail by this Court vide order dated 17.10.2019 passed in Cr.Misc.No.62960 of 2019

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the fact that the FIR has been lodged against this petitioner as well as co-accused Fatma Khatoon alleging that they had entered in the bank premises forcibly and they have got involved in a scuffle with the bank staffs and a lady constable deputed in the bank, the submission being that in course of investigation the petitioner was given privilege under Section 41(1) of the Code of Criminal Procedure, he has cooperated in course of investigation and the allegation of theft is only superficial as there is no specific allegation that the petitioner has committed any theft and further the co-accused similarly situated Fatma Khatoon has been granted privilege of anticipatory bail by this Court vide order dated 17.10.2019 passed in



Cr.Misc.No.62960 of 2019, though the petitioner is said to have two criminal antecedents but considering the entire materials and the circumstances of the present case, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Gaunaha P.S. Case No.121 of 2016 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the 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'.

