

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 457 of 2021**

Arising Out of PS. Case No.-292 Year-2005 Thana- MADHUBANI TOWN District-
Madhubani

ANAND PATHAK S/o Late Harishankar Pathak R/o Village- Baghla, P.S.-
Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Udbhav, Shivam, Advocates
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Nagar Police Station (for
brevity, *PS*) Case No 292 of 2005 dated 08.09.2005 instituted
for the offence punishable under Section 394 of Indian Penal
Code (for brevity, *IPC*) but, after investigation, the police
submitted charge sheet under Sections 395, 397 of IPC.

Three persons have looted the informant's shop. It is
alleged that while fleeing away, they have fired from their arms
which hit one of the staff.

Petitioner's counsel submits that implication of the
petitioner in this case of the year, 2005 is on the basis of
statement of co-accused nearly 15 years later. Thereafter, the



petitioner has been remanded in this case on 15.02.2020. There is obviously no recovery of any incriminating article from the petitioner and though informant claims that loot was committed by two persons in her presence, the petitioner has not been put on Test Identification Parade. The petitioner has some antecedents of more than a decade. He has since become a social worker and is working as Ward Sachiv and implication at this belated stage is based on dirty village politics.

Learned APP has opposed the prayer for bail.

In view of the aforesaid circumstances, 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 Additional Chief Judicial Magistrate IV, Madhubani in Nagar PS Case No 292 of 2005 dated 08.09.2005 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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