

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7926 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- SHYAMPUR BHATHA District-
Sheohar

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PANKAJ KUMAR Son of Jitu Singh Resident of Village - Chak Bara , P.S.-
Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Shyampur Bhataha P.S. Case No. 124 of 2021 registered for the

offence under Sections 406, 420, 504 and 120(B) of the Indian

Penal Code and later on charge-sheet has been submitted under

Section 420, 467, 468, 471, 504, 120(B) and 34 of the Indian

Penal Code and Section 3 of BPIO Act.

The accused/petitioner is not named in the F.I.R. and

is in custody since 21.10.2021.

The allegation against the petitioner is to cheat the



informant and others along with other co-accused persons for Jivika related activities, where women member deposited Rs. 22,500/- per month.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced during course of invention. It has further been submitted that allegation is very limited to assist the main accused, namely, Nirbhay Kumar Yadav. It has further been submitted that petitioner was working as cleaner in the office of the main accused and therefore his name has falsely been implicated. It has further been submitted that petitioner is involved in one similar nature of case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as the petitioner have no connection with controlling affairs of the company, where the petitioner was working as cleaner coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Shyampur Bhataha P.S. Case No. 124 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sheohar, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Niraj Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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