

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8871 of 2022

Arising Out of PS. Case No.-135 Year-2018 Thana- BHAGWANPUR District- Vaishali

Pankaj Kumar, aged about 25 years, Male Son of Pati Nath Ray, Resident of Village- Manua, P.S.- Sadar Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 135 of 2018 registered for the offence punishable under Section 394 of the Indian Penal Code.

The accusation against accused-petitioner is of voluntarily causing hurt while committing robbery to the informant along with other co-accused.

The accused petitioner is not named in the FIR and is in custody since 01.09.2021.

Learned counsel appearing on behalf of the accused/petitioner submitted that the name of accused/petitioner has been surfaced in the present case only on the basis of confessional statement as made by co-accused Sonelal Sah in



Bidupur P.S. Case No. 455 of 2018. While arguing over the matter, it has further been submitted by learned counsel that there is no recovery from the accused/petitioner, no Test Identification Parade conducted and also chargesheet has been submitted in the matter, as such there is no chance of tampering with the evidence. As regards criminal antecedent of the petitioner, it has submitted by learned counsel of petitioner that both of the cases has been lodged subsequent to arrest in the present case.

Learned APP appearing on behalf of the State while opposing the prayer for bail raised his concerned about the criminal antecedent of the accused/petitioner as mentioned in paragraph no. 3 of the bail petition.

Considering the above mentioned facts and circumstances as made above and as the name of petitioner has surfaced on confessional statement, coupled with fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhagwanpur P.S. Case No. 135 of 2018 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the following



condition:-

“(i) That petitioner shall not involve in the similar nature of offence during the pendency of trial, if found so, trial Court shall be at liberty to cancel the bail bond itself.

(ii) That one of the bailors shall be the close relative of the accused petitioner like father/mother/sister/brother.”

(Chandra Shekhar Jha, J)

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