

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23441 of 2022

Arising Out of PS. Case No.-342 Year-2020 Thana- PIPRA District- Supaul

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Gajendra Pandit Son of Laxmi Pandit Resident of Village - Maura Khap, P.S.-
Shankarpur, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Arun, learned counsel for the petitioner as
well as learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioner
submits that due to inadvertence the name of the Police Station
has been wrongly typed as Supaul in place on Pipra and as such,
he seeks permission to make necessary correction.

Permission is accorded.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Pipra P. S. Case No. 342 of 2020
registered for the offences punishable under Sections 392 of the



Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was going to Consumer Centre with cash of Rs. 2,00,000/-, in the meantime, two unknown miscreants intercepted him and looted Rs. 2,00,000/- and other valuables on the point of pistols and fled away on their motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants however, during the course of investigation, the name of the petitioner has transpired on the confessional statement of co-accused Subodh Kumar @ Subodh Yadav and he has already been granted bail by this Hon'ble Court in Cr. Misc. No. 72080 of 2021 vide order dated 06.05.2022. A copy of which has been produced and the same has been kept on record. It is further submitted that only because of past criminal antecedent of the petitioner, his name has been implicated in the present case and save and except confessional statement, there is no material suggesting the complicity of the petitioner. It is next submitted that this petitioner is in custody since 15.07.2021, however, neither he has been put on T.I.P. nor any incriminating material has been recovered.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner has a long list of criminal antecedent as mentioned in paragraph 3 of this petition. In response to the aforesaid submissions, learned counsel for the petitioner submits that out of nine cases, the petitioner is on bail in almost all the cases, and in fact, this is a reason due to which his name has been implicated in the present case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is not named in the F.I.R. and his name has transpired on the confessional statement of accused person, who has already been granted bail by this Hon'ble Court and moreover, neither he has been put on T.I.P nor any incriminating material has been recovered, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IV, Supaul in connection with Pipra P. S. Case No. 342 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

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(Harish Kumar, J)

