

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25695 of 2022

Arising Out of PS. Case No.-436 Year-2021 Thana- PATORI District- Samastipur

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PANKAJ KUMAR Son of Sanjay Raut Resident of Village - Tara Dhamaun,
P.s.- Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

of four weeks from today.

The petitioner seeks bail in connection with Patori

P.S. Case No. 436 of 2021 registered for the offence under

Section 392 of the Indian Penal Code.

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

is in custody since 11.01.2022.

The allegation against the petitioner is to commit

robbery, alongwith other co-accused persons, and while

committing so, taken away cash of Rs.40,000/- (Rupees Forty



Thousand) alongwith other important documents and hundred sim cards of Jio company.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Anjani Kumar Thakur and in furtherance thereof, no incriminating material recovered, which may suggest the involvement of the petitioner in the present set of occurrence. It is also pointed out that petitioner is involved in two more criminal cases, in which he is on bail. It is submitted that petitioner has never been put on T.I.P. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during the course of investigation in furtherance of the confessional statement of co-accused, Anjani Kumar Thakur, which may connect the petitioner, *prima facie*, with the present set of



occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patori P.S. Case No. 436 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 Judicial Magistrate- 1st Class, District-Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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 Sanjay Raut, who is the father of the
petitioner and deponent of the present bail
petition.”*

(Chandra Shekhar Jha, J)

R.S.Sen/-

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