

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26473 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- PATORI District- Samastipur

Pinku Kumar @ Pinku Kumar Ray @ Piku Kumar Son Of Satyendra Ray
R/O Village- Dakshini Dhamaun, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 395 and
397 of the Indian Penal Code.

According to prosecution case, one country made
pistol, 3 cartridges and looted bag has been recovered from the
possession of co-accused, Rakesh Rai, 5 live cartridges have
been recovered from possession of co-accused, Sonu Kumar.
Both of them disclosed the name of the accused petitioner Pinku
Kumar about the involvement in the said loot.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the confessional statement of the co-accused persons, namely, Rakesh Rai and Sonu Ray. He further submits that nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the co-accused persons.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has got two more cases other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Patori (Moharpur O.P.) P.S. Case No. 138 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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