

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26259 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Pintu Pandey @ Pintu Kumar Pandey, Son of Surendra Pandey, Resident of
Village - Sarafara, Police Station - Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sidhwaliya P.S. Case No. 247 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code but the charge-sheet has been submitted under Section 395 IPC.

As per the prosecution case, four miscreants got the tank of their vehicle full and also snatched Rs. 23,133/- from the persons manning on a petrol pump. Later on, the name of the petitioner transpired as one of the accused persons.



The learned counsel for the petitioner submits that petitioner is not named in the FIR and nothing incriminating has been recovered from his possession. There is no material to show the involvement of the petitioner in the alleged occurrence. The petitioner was not put to Test Identification Parade after his arrest and he is in custody since 18.09.2021. After one and half month of the alleged occurrence, the petitioner was apprehended in this case. Except for the criminal antecedents of the petitioner, there is nothing against this petitioner on the record and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that petitioner was involved in looting the petrol pump.

Having regard to the submissions made on behalf of the parties and considering the period of his custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Sidhwaliya P.S. Case No. 247 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Surendra Pandey, father of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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