

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31410 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BARHARA District- Bhojpur

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Pankaj Modi @ Pankaj Kumar Modi, S/o Badal Modi, Resident of Village-
Kasba, Ward No.-8, Modi Tol, P.S. Kasba, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Barhara P.S. Case No. 56 of 2022 registered for
the alleged offences under Section 394 of the Indian Penal Code
and Section 27 of the Arms Act.

As per the prosecution case, four miscreants
surrounded the informant and one of them fired in air and the
miscreants snatched the mobile phone of the informant from the
pocket and when he resisted, one of them fired upon him in his
waist. The name of the petitioner transpired as an accused



during investigation.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable that four persons were riding on a single motorcycle and no further loot was committed of any other article from the informant. The petitioner was not apprehended from the spot and was not seen at the place of occurrence. The name of the petitioner came up in this case only on the basis of that he purchased a mobile phone from one Ravi Kumar, not knowing the fact that it was a stolen property. Said Ravi Kumar admitted this fact in his confessional statement. There is no further allegation against this petitioner. The petitioner is in custody since 20.02.2022. The charge sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that recovery of mobile phone has been made from this petitioner.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner along with the nature of allegation and clean antecedent of the



petitioner, he 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 Additional District and Sessions Judge-VIII, Bhojpur, in connection with Barhara P.S. Case No. 56 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

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

(iii) 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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