

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39554 of 2021

Arising Out of PS. Case No.-23 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Pankaj Yadav S/O Late Raghu Yadav R/O Village-Karaila, P.S-
Madhusudanpur, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 Heard.

The petitioner seeks regular bail in connection with Nathnagar P.S. Case No. 23 of 2018, registered for the offence punishable under section 392 of the Indian Penal Code.

The case of the prosecution in brief is that on 13.01.2018 at about 7:00 hrs., three unknown miscreants had arrived with weapons, at the shop of the informant and demanded the keys of the money box where-after they had taken away cash amounting to a sum of Rs. 4000-5000/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 03.10.2020. The learned



counsel for the petitioner has further submitted that the petitioner has been remanded in the present case after he was arrested in one other case, only on account of his bad antecedent and pursuant to disclosure being made by one Pappu Paswan in his confessional statement that the petitioner is his accomplice. It is further submitted that the said Pappu Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2018 passed in Cr. Misc. No. 71928 of 2018. The learned counsel for the petitioner has further submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime and moreover, no cash amount has been recovered from the petitioner.

Per contra, Mr. Ashok Kumar, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime, though, I deem it



fit and proper to admit the petitioner to the privilege of regular bail, but subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of A.C.J.M.-1st, Bhagalpur in connection with Nathnagar P.S. Case No. 23 of 2018.

It is further directed that the petitioner would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of bail being granted to the petitioner herein, shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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