

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42456 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- BAJPATTI District- Sitamarhi

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PANKAJ KUMAR S/O DINESH RAI R/O VILLAGE-PATHRAHI, P.S-
BAJPATTI, DISTRICT-SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bajpatti P.S.
Case No. 42 of 2021 registered for the offences punishable
under Sections 399, 402, 414 of the IPC and Sections 25(a-b)a,
26, 35 of the Arms Act.

One loaded country made pistol, one live cartridge and
two Apache motorcycles are said to have been recovered from
possession of co-accused persons. Petitioner is said to have
escaped from the place of occurrence along with some other
accused.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that name of the petitioner has come on the basis of confessional statement of co-accused Saroj Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner. It is further submitted that police after investigation submitted charge sheet against the petitioner. It is further submitted that co-accused Bechan Kumar has been granted bail by this court vide order dated 04.01.2022 passed in Cr. Misc. No. 41993 of 2021. Petitioner is in custody since 10.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 Sub-divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 42 of 2021, subject to the 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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