

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42389 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- BARAUNI District- Begusarai

PANKAJ KUMAR @ PANKAJ MAHTO Son of Kailash Mahto Resident of
Village - Simariyaghat Bind Toli, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-04-2022 Heard Mr. Randhir Kumar No.1, learned counsel for

the petitioner and Mr. Md. Matloob Rab, learned Additional

Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Barauni PS Case No. 304/2020 registered for the offence
punishable under Sections 392, 397 of the IPC, under Section
25(1-b) a/ 26 of the Arms Act.

The allegation in a nutshell is that the four masked
miscreants entered into the jewelry shop of the informant and
looted ornaments and cash to the total value of Rs. 3 Lacs on the
gun point.

Learned counsel for the petitioner submits that in the
First Information Report, the informant has claimed that he can
identify the miscreants but when the petitioner was put on Test



Identification Parade, he was not identified by the informant which would be evident from Annexure-2 to this application.

Learned counsel next submits that the name of the petitioner has transpired on the basis of confessional statement of a co-accused, namely, Ramgati @ Larha from whose possession the looted article was recovered and no looted article has been recovered from the possession of the petitioner and he is in custody since 13.10.2020. He next submits that a similarly situated accused person, Dular Kumar, who was also put on TIP and was not identified by the informant, has been granted bail by a co-ordinate Bench of this Court *vide* Cr. Misc. No. 29992/2021. One another co-accused person, namely, Durga Kumar has been granted bail by this Court *vide* Cr. Misc. No. 29088/2021.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is in custody since 13.10.2020, similarly situated co-accused persons have been granted bail by this Court and the petitioner has not been identified by the informant on TIP, I am inclined to grant regular bail to the petitioner subject to the conditions that (1) petitioner will co-operate with the trial properly and (2) the petitioner will be well



represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, PANKAJ KUMAR @ PANKAJ MAHTO 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 JMFC, Begusarai/the court concerned in connection with Barauni PS Case No. 304/2020.

(Anil Kumar Sinha, J)

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