

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38274 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- MADHWAPUR District- Madhubani

RAKESH PANJIYAR Son of Raj Kishor Panjiyar Resident of village -
Birpur, P.S.- Sursand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhwapur P.S. Case No. 51 of 2021 registered for the offence
under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.07.2021.

The allegation against the petitioner is to commit
dacoity in the house of informant along with other co-accused
persons and while committing so, causing injury by throwing
bomb in the house of the informant and also inflicted knife
injury upon daughter-in-law of the informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced during course of investigation on the basis of confessional statement of co-accused, namely, Shibu Sahni, in furtherance of which, no incriminating material was surfaced/recovered, which may connect this petitioner, *prima-facie*, with the present set of dacoity. It has further been submitted that said co-accused, namely, Shibu Sahni has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 5152 of 2022 dated 07.06.2022. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material was recovered/surfaced to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Madhwapur P.S. Case No. 51 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Benipatti, Madhubani/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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