

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55016 of 2021

Arising Out of PS. Case No.-153 Year-2019 Thana- CHANDAN District- Banka

Pawan Yadav, Son of Lawarangi Yadav @ Laungi Yadav, R/O Village- Rajala,
P.S.- Jhajha, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defect(s), as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Petitioner seeks bail in connection with Chandan (Anandpur) P.S. Case No. 153 of 2019 registered for the offences punishable under Sections 394 of the IPC.

The occurrence of loot is against four unknown persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner is not named in the FIR and he has falsely been implicated in the present case. It is further submitted that name of the



petitioner has come in this case on the basis of confessional statement of co-accused Akash Pandey @ Banti Pandey. It is further submitted that nothing has been recovered from the possession of the petitioner. Till today no Test Identification Parade has been done by the police. It is further submitted that co-accused, namely, Dhaneshwar Yadav, has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.02.2021 passed in Cr. Misc. No. 39464 of 2020 and co-accused, namely, Bhim Yadav, has been granted bail by this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 53043 of 2021. Petitioner is in custody since 08.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedents.

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 Chief Judicial Magistrate, Banka in connection with Chandan (Anandpur) P.S. Case No. 153 of 2019, 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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