

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59375 of 2021**

Arising Out of PS. Case No.-162 Year-2020 Thana- BARURAJ District- Muzaffarpur

PANKAJ KUMAR S/o SRI INDU RAI R/o VILLAGE-MADHOPUR, P.S-  
SAHEBGANJ, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      29-04-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Baruraj P.S. Case No. 162 of 2020 for the offence punishable under Section 392 of the Indian Penal Code.

The F.I.R. of the occurrence of robbery is against unknown. Three unknown miscreants are said to have entered into the CSP shop of the informant on the point of pistol and robbed cash of Rs.95,000/-, a laptop, mobile, swipe machine and Marco.

Learned counsel appearing on behalf of the petitioner



submits that considering the nature of allegation made in the F.I.R., no case is made out against the petitioner. Petitioner has three antecedent of similar nature and in all those cases petitioner has been remanded. In the present case also, the name of the petitioner has surfaced on the basis of confession made by one Monu Kumar who has confessed that the present petitioner along with co-accused Chhotu Kumar has committed robbery. Specific statement has been made in Para-9 of the bail application that no incriminating article has been recovered from the possession or house of the petitioner. Petitioner is in custody since 04.12.2020 and on mere suspicion he has been languishing in custody since then.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that for similar nature of allegation of committing theft or robbery, the petitioner has been roped in altogether three cases as it would appear from Para-3 of the bail application. Petitioner has become nuisance to the society, as such, it would not be in public interest to release the petitioner on bail.

Considering the submission made by the rival parties, nature of allegation made against the petitioner in the F.I.R., F.I.R. is against unknown and name of the petitioner has



surfaced in course of investigation on the basis of confessional statement of co-accused Monu Kumar, prima facie no material has come against the petitioner. On search of the house of the petitioner, no stolen article has been recovered. Similarly situated co-accused namely Chhotu Kumar has been released on bail vide order dated 29.03.2022 passed in Cr. Misc. No. 56976 of 2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, West, Muzaffarpur in connection with Baruraj P.S. Case No. 162 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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