

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66668 of 2021

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

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Akash Kumar Pandey @ Banti @ Babu Son of Bibhuti Prasad Pandey @
Arun Kumar @ Bibhuti Bhushan Thakur Resident of Village - Heljot, P.S.-
Jhajha, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the
offences punishable under Section 394 of the Indian Penal
Code.

According to prosecution case, on the basis of
fardbeyan given by one Bishundev Pandit alleging therein that
on 25.08.2019 while the informant and his co-villagers namely,
Dinesh Yadav and Ramesh Yadav were returning from Pilua
village on a motorcycle, four miscreants obstructed them near



Kerwa forest and looted the said motorcycle along with the mobile of the informant and his co-villagers and also cash of Rs.1,500/- from Ramesh Yadav.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Dhaneshwar Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that petitioner was in custody in another case i.e. Jamui P.S. Case No. 303/2019 from where he has been remanded in this case on 17.02.2021. He further submits that similarly situated, 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, another co-accused namely Bhim Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 53043 of 2021, and other co-accused namely, Pawan Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 22.01.2022 passed in Cr. Misc. No.55016



of 2021. The petitioner is in custody since 17.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twelve criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending 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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