

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70206 of 2021

Arising Out of PS. Case No.-193 Year-2019 Thana- MANIYARI District- Muzaffarpur

ANAND PANDEY Son of Rajeshwar Pandey Resident of Village - Teghra,
P.S.- Manihi, Distt.- Saran (Chhapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Jyotsna Rani Mishra, Adv
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on added the Section 302 IPC.

It is alleged that four miscreants riding on two motorcycles came to the shop of the informant. Meanwhile, co-accused Dhiraj Kumar fired 3-4 shots causing injuries to the informant's father who died in course of treatment.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. The name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Abhishek Yadav. He further submits that it appears from the FIR that the petitioner is not involved in the present case. He further submits that co-accused, namely, Manish Kumar @ Mani has been granted bail by the learned court below itself on 20.10.2020 and another co-accused, namely, Abhishek Yadav has also been granted bail vide order dated 13.10.2020 in Cr. Misc. No.26729 of 2020 and the petitioner is in custody since 03.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Maniyari Police Station Case No. 193/2019, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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