

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6137 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- SIRDALA District- Nawada

Pankaj Kumar, Son of Ganesh Prasad, Resident of Village - Nari Kishunpur,
P.s.- Noorsarai, Distt.- Nalanda (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7676 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- SIRDALA District- Nawada

Ajit Kumar, Son Of Vijay Kumar @ Vijay Yadav, Resident Of Village-
Rangila Bigha, P.S- Nalanda, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62013 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- SIRDALA District- Nawada

Jimmy @ Sudhanshu Prakash @ Sudhanshu Prasad, S/o Sanjeev Kumar, R/o
Village- Imamganj, P.S.- Rahui, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6137 of 2022)

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 7676 of 2022)

For the Petitioner/s : Mr.Birendra Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 62013 of 2022)

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

4 07-12-2022 **Cr. Misc. No. 6137 of 2022 and Cr. Misc. No. 7676 of 2022.**

It has been submitted on behalf of the petitioners Pankaj Kumar and Ajit Kumar that during the pendency of these applications they have been acquitted by the learned trial court and as such seeks permission to withdraw both the applications.

Permission is granted.

Accordingly, both these applications are dismissed as withdrawn.

In Cr. Misc. No. 62013 of 2022.

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

In the present case, the petitioner seeks bail in connection with Sirdalla P.S. Case No. 368 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, two miscreants intercepted the motorcycle of the informant, an employee of Bandhan Bank and at the gun point snatched one bag containing Rs. 62,100/-, receipt register, calculator, loan forms, Aadhar Cards of some customers and they also took away the mobile phone of the informant. The miscreants also snatched the keys of motorcycle of the informant. The name of the petitioner transpired during



investigation in the confessional statement of co-accused Pankaj Kumar.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Merely on confessional statement he has been implicated in the present case. However, in his confessional statement this co-accused has just stated that he took the motorcycle of the petitioner for some urgent work and this fact makes it clear that the petitioner has no role in the robbery. Only allegation against the petitioner is that his motorcycle was used in the crime but the same was demanded by one of his co-villagers and in good faith he handed over the same. Learned counsel further submits that nothing incriminating has been recovered from the possession of this petitioner. Whatever recovery has been made, it has been made from the possession of other co-accused persons. Even during investigation the police has not found any cogent material against this petitioner. No looted article or cash has been recovered from the possession of the petitioner. The petitioner was not put to any test identification parade. Petitioner is a student of B.Sc(H)- Agriculture from Integral University, Lucknow and he used to living in hostel of the university and has no concern with the present occurrence in



any manner. Another co-accused Ranjit Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 2045 of 2022. The petitioner is in custody since 15.08.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and others were involved in committing robbery with the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the co-accused who named this petitioner has been acquitted by the learned trial court and further considering the nature of allegation against this petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada in connection with Sirdalla P.S. Case No. 368 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal



Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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