

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.455 of 2022

Arising Out of PS. Case No.-310 Year-2020 Thana- ARA NAGAR District- Bhojpur

PANKAJ KUMAR S/O YOGENRA RAJAK R/o Mohalla- Gausganj, P.S.-
Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Narain Singh

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ara Town
P.S. Case No. 310/2022 registered for the offences punishable
under Sections 461, 379, 411/34 of the Indian Penal Code.

As per prosecution case, the informant, Manoj Kumar
Kapri, S.I. of Ara Town P.S. made his written report that he was
on patrolling duty alongwith other police officials. They reached
near Gausganj Tinmuhani and saw two persons fleeing by side
of Axis Bank ATM. The said persons were chased by the police
but failed to apprehend.

The informant further alleged that on suspicion he



went to Axis Bank ATM and found the ATM smashed and one person was hidden and apprehended by the police, who disclosed his name as Gorakh Mali and his associates who fled away as petitioner, Pankaj Kumar and co-accused, Sushil Kumar. He further disclosed that their intention was to loot money after breaking the ATM. On the disclosure of co-accused, Gorakh Mali, police had recovered one motorcycle and one car in question.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. On the basis of confessional statement of co-accused, Gorakh Mali, petitioner has been made accused in this case. The petitioner was not apprehended on the spot. No incriminating articles has been recovered from the conscious possession of the petitioner and has no concern with the seized vehicles in question. The petitioner is languishing in custody since 05.09.2020 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Gorakh Mali, who is apprehended on the spot has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.63550/2021.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nature of allegation, material available on record, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town P.S. Case No. 310/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) The bailor shall also stated on affidavit that he will inform the court concerned if the petitioner is made accused



in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Alok Kumar Pandey, J)

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