

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5061 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- CHANDAUTI District- Gaya

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PANKAJ KUMAR @ NANHAKA @ NANHAKU @ NANHKU YADAV
Son of Indardev Yadav @ Indrdev Yadav R/V- Lalganj, P.S- Chandauti, Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.04.2022 in connection with Chandauti P.S. Case No.26/2022,
F.I.R. dated 31.01.2022, for the offences punishable under
Sections 395 and 397 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, while the informant
was returning to his native village, 8-10 persons surrounded him
and assaulted him with *katta* causing injury to him and snatched
Rs. 2000/- and a Redmi mobile phone from his pocket and fled
away.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of previous criminal antecedent of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all three cases.

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 A.C.J.M.-III, Gaya, in connection with Chandauti P.S. Case No. 26/2022, 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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