

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12758 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- RAHUI District- Nalanda

Krishnakant Pandey Son of Late Parshuram Pandey Resident of village-
Maniawan, P.S.- Nalanda, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
18.05.2022 in connection with Rahui P.S. Case No. 390 of 2022,
F.I.R. dated 15.07.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, three miscreants
intercepted the way of the informant when he was returning to
his home and on the point of pistol, they snatched his
motorcycle, purse, mobile phone etc. and also some important
documents and fled away.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Bhola Nath Pandey. He further submits that nothing has been recovered from the possession or the house of the petitioner and and till date no T.I.P. has been conducted by the prosecution. He further submits that the petitioner has been remanded in the present case from Nalanda P.S. Case No. 155 of 2022. The petitioner is in custody since 18.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with



Rahui P.S. Case No. 390 of 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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