

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24287 of 2023

Arising Out of PS. Case No.-65 Year-2015 Thana- DEHRI TOWN District- Rohtas

Munna Pandey Son Of Late Janardan Pandey Resident Of Village - Chhotka
More, P.S. - Sasaram Muffasil, Distt.- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
18.07.2018 in connection with Dehri Town P.S. Case No. 65 of
2015, S.Tr. No.263 of 2019, F.I.R. dated 14.02.2015 for the
offences punishable under Section 392 of the Indian Penal
Code.

3. According to prosecution case, as per written report
is that one informant Sukhdev Singh stating therein that on
14.12.2015 at about 5:30 O'clock informant alongwith
Bhupendra Singh @ Sardar Swarn Singh had walked from
Dehri market to Sasaram carrying his bag and reached Rama
Rani Chowk on foot across Kalwandiya bridge at about 5:40
P.M., when informant board the magic car going to Sasaram, a
motorcycle from the right side came near the informant and



snatched the bag on the point of pistol and ran away towards Sasaram, in that bag had 800 grams gold nail and worth Rs.20 lacs.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that 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 co-accused namely, Chandan Kumar Soni. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.07.2018.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances and period of custody, 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 Additional Sessions Judge-8th, Rohtas at Sasaram in connection with Sessions Trial No.263 of 2019 arising out of Dehri Town P.S. Case No. 65 of 2015, 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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