

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33269 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- RAJPUR District- Buxar

Bhim Pandey, Son of Rajendra Pandey Resident of Village- Sagraon, P.S.-
Rajpur, Dist- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has renewed his prayer for bail in connection with Sessions Trial No. 35 of 2021 arising out of Rajpur P.S. Case No. 128 of 2019 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and later on Section 396 IPC and Section 27 of the Arms Act were also added.

Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 15.09.2021 in Cr. Misc. No. 16167 of 2021 with a direction to the learned trial court to proceed with the trial as early as possible.

The petitioner is in judicial custody since 26.09.2020 and the report received from the learned trial court kept at Flag 'A' would show that charge has been framed in this case under



Section 396 IPC and Section 27 of the Arms Act on 05.01.2022 but no prosecution witness has been examined. Summons were issued to the prosecution witnesses as back as on 11.11.2022.

As per the statements made in paragraph '3' of the application, the petitioner has no criminal antecedent and the co-accused on whose confessional statement the name of the petitioner has transpired in this case have been granted bail by learned Co-ordinate Benches of this Court in Cr. Misc. No. 24531 of 2020, Cr. Misc. No. 31142 of 2020 and Cr. Misc. No. 15467 of 2021, there is no submission that the presence of the petitioner cannot be secured in course of trial, in the circumstances, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-X, Buxar in connection with Sessions Trial No. 35 of 2021 arising out of Rajpur P.S. Case No. 128 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

And further condition that the petitioner shall appear in course of trial on the dates fixed in the matter and in case of two consecutive defaults in putting appearance, the learned court below shall cancel his the bail bond in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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