

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33680 of 2023

Arising Out of PS. Case No.-245 Year-2019 Thana- KUMAR KHAND District- Madhepura

PANCHANAND DAS @ PANCHU S/o- GANESHI DAS Village- Laxmipur
Bhagwati Ps- Srinagar Dist- madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kumarkhand P.S. Case No. 245 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, Rs. 1,50,000/- in cash of informant was taken away by four miscreants who came on two motorcycles. It is further alleged that they were in the age group of 25-30 years and hence, F.I.R. has been lodged against unknown.

Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired in this case upon the confessional statement of co-accused Md. Azim. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the



alleged occurrence. He further submits that co-accused upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by the co-ordinate Bench of this Court and the vide Cr. Misc. No. 118 of 2021 and the case of present petitioner stands more or less on similar footing. No incriminating article has been recovered and No T.I.P. has been conducted uptill now. He further submits that petitioner is in custody since 05.03.2021 and bears criminal antecedent of twenty seven cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. - II, Madhepura in connection with Kumarkhand P.S. Case No. 245 of 2019, 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 without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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