

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61202 of 2023

Arising Out of PS. Case No.-86 Year-2018 Thana- BIHPUR District- Bhagalpur

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Panna Singh @ Pannalal @ Pannalalsingh @ Bam Shankar Kumar @
Bamshankarsharma S/O Kamal Kishore Sharma R/O Rahimpur, Panchkhutti,
P.S.-Muffasil, Dist.-Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopesh Raj, Advocate
Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihpur
(Jhandapur) P.S. Case No. 86 of 2018, F.I.R. dated 02.03.2018
registered for the offence punishable under Section 394 of IPC.
Later on offence under Sections 395/412/120B of the Indian
Penal Code was added.

3. The prosecution case in brief is that the informant
and one Sonu Malakar were going Kishanganj after loading
2000/- litres of milk on his Bolero pickup. As soon as they
reached NH31 near Dayalpur, two persons, who were on
motorcycle, over took them and assaulted both informant and



Sonu and drove away the Bolero pickup loaded with milk.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner transpired in the confessional statement of Nikesh Kumar. Nothing has been recovered from the conscious possession of the petitioner and till date no TIP was conducted by the prosecution. Except confessional statement no other material is there against the petitioner and the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 30.05.2023.

5. Learned APP for the State on the other hand has vehemently opposed the application and submits that the petitioner carries three more cases other than the present one.

6. Considering the aforesaid fact, 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 learned C.J.M., Naugachia, in connection with Bihpur (Jhandapur) P.S. Case No. 86 of 2018, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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