

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57277 of 2022

Arising Out of PS. Case No.-591 Year-2021 Thana- PATLIPUTRA District- Patna

TANNU PAL @ TUNNU PAL S/O LATE DINESH PAL @ DINESH PRASAD Resident of village- Shanti Nagar, P.O. and P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 395 of the Indian Penal Code.

According to prosecution case, on 15.11.2021, while the informant along with Chandan Kumar and Manager Sanjeev Kumar was going to deposit cash of Rs. 41 lacs and when they reached near SBI, Patliputra, two persons sitting on a bike came and stopped their bike in front of his car. Thereafter they opened the gate of car and pointed pistol and in the meantime two other persons sitting on second bike came there and encircled them and looted the bag in which Rs. 41 lacs were kept on the point



of pistol. Thereafter all the six accused persons fled away along with the key of the car.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has been transpired on the basis of self confessional statement of the petitioner and nothing incriminating article has been recovered from the possession of the petitioner and except the self confessional statement of the petitioner, no other cogent material has come during investigation against the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chandan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No.21325 of 2022. The petitioner is in custody since 27.11.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts 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 Court below where the case is pending in connection with Sessions Trial No. 904/2022, arising out of Patliputra P.S. Case No. 591/2021, 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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