

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64025 of 2023

Arising Out of PS. Case No.-564 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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PANKAJ JAISWAL @ CHHOTU Son of Dil Ratan Jaiswal @ Nil Ratan Prasad Jaiswal @ Nil Ratan Jaiswal R/o mohalla - Purani Bazar, ward no. 2, P.S. - Bakhtiyarpur, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 27.10.2022 in connection with S.Tr.No.274 of 2023 arising out of Bakhtiyarpur P.S. Case No. 564 of 2022, F.I.R. dated 26.10.2022 registered for the offence punishable under Sections 448,341,324,307,380,504,34 of IPC.

3. The prosecution case, in short, is that the informant alleges that on 25.10.2022 his younger brother namely Lavkush Kumar and cousin brother Mannu Kumar were studying then in the meantime petitioner, Gaurav Kumar, Ajay Kumar and 3-4 unknown persons came laced with deadly weapons and held them and took away Rs.65,000/- and one mobile from the bed.



When both the brother of the informant objected for that then petitioner pierced a knife on the abdomen of Mannu Kumar with the intention to kill him and fled away.

4. Earlier the bail petition of the petitioner was dismissed as withdrawn vide order dated 19.08.2023 passed in Cr. Misc. No.52224 of 2023 with liberty to file a fresh and proper application.

5. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and injured person, namely, Mannu Kumar has stated before the Medical Officer that he has received the injury from iron rod, which appears from the injury report of the injured person, namely, Mannu Kumar (Annexure-3). It appears from the injury report of the injured person, namely, Mannu Kumar that the present case has been filed against the petitioner only to falsely implicated the petitioner in the present case. Further submits that the police, after investigation, submitted chargesheet against the petitioner on



22.12.2022 and the petitioner is in custody since 27.10.2022.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. 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 A.D.J.-1st, Saharsa in connection with S.Tr.No.274 of 2023 arising out of Bakhtiyarpur P.S. Case No. 564 of 2022, 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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