

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5748 of 2023

Arising Out of PS. Case No.-939 Year-2019 Thana- NAGAR District- Vaishali

=====

PANKAJ @ RAJA @ PANKAJ RAI @ BHULLA Son of Jai Prakash Rai @
Jay Prakash Ray R/V- Pokhra Mohalla P.S- Town Hajipur Dist- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in paragraph-1 of the bail petition
during the course of day.

Petitioner seeks bail, who is in custody since
09.11.2022 in connection with Hajipur Town P.S. Case No.
939/2019, F.I.R. dated 17.10.2019, for the offences punishable
under Sections 413, 414 of the Indian Penal Code and Section
25(1-b)a, 26 of the Arms Act.

According to prosecution case, one country made
pistol containing two bullet and one motorcycle are said to have
been recovered from the possession of the apprehended co-
accused namely, Prakash Vikram Singh.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case merely on the basis of disclosure made by the co-accused namely, Prakash Vikram Singh. He further submits that nothing has been recovered from conscious possession of the petitioner and except the confessional statement of co-accused, no cogent material has come during investigation against the petitioner to connect his involvement with the present occurrence. Similarly, co-accused, namely, Prakash Vikram Singh @ Prakash Vikram has been granted bail by a co-ordinate Bench of this Court vide order dated 28.05.2020 passed in Cr. Misc. No.5180/2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the six cases.

Considering the aforesaid facts and circumstances, 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 C.J.M.,
Vaishali at Hajipur, in connection with Hajipur Town P.S. Case
No. 939/2019, 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)

amit/-

U		T	
---	--	---	--

