

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42544 of 2024

Arising Out of PS. Case No.-293 Year-2021 Thana- PHULPARAS District- Madhubani

Pankaj @ Pankaj Kumar @Aryan @ Aryan Yadav S/o Vijay Yadav R/o
Village-Inarawa, Ward No.3 P.S.- Marona, District Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with B.P.
No. 142 of 2024, Phulparas P.S. Case No. 293 of 2021 registered
for the offences punishable under Sections 384, 387, 120 (b) of the
Indian Penal Code.

3. As per prosecution case, on 31.07.2021 the
informant heard the sound of firing in his room which is in front of
his hardware shop and also received a message through mobile no.
9472381667 regarding threatening. Further, on mobile no.
7903867870 and 7320062202 of Airtel which is of informant's son
Ritu Raj, he received three voice messages, out of which two
messages have been deleted and one is still in the mobile no.
7903867870. In that voice message there was a demand of rupees



ten lacs in ransom from the mobile number in question and prior to the occurrence on mobile number in question he received missed call. Hence, FIR was lodged against owner of mobile no. 9472381667.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Petitioner has been apprehended on 05.01.2022 in K. Nagar (Champanagar O.P.) P.S. Case No. 05 of 2022 by the police and remanded on 25.11.2023 in this case and since then he is in custody. Learned counsel orally submits charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that mobile number referred in F.I.R. does not belong to the petitioner. He further submits that because of having criminal antecedents petitioner has falsely been implicated in one case after another without any basis. Co-accused Shivam Kamat has already been granted bail by this Court vide Cr. Misc. No. 22612 of 2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner on the ground of criminal antecedents.

6. Considering the facts and circumstances of the



case, period of custody, co-accused has already been granted bail, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Jhanjharpur in connection with Phulparas P.S. Case No. 293 of 2021, 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.

(Alok Kumar Pandey, J)

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