

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66627 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- DUMRA District- Sitamarhi

PANKAJ KUMAR S/o- BIR CHANDRA RAM Village- Bishanpur Beniey
Ps- Bhagwanpur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dumra P.S. Case No. 271 of 2023 registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, four miscreants entered
in Bandhan Bank and at the point of pistol Rs. 11,57,078/- in
cash, three tabs and one mobile of informant were looted by
them and thereafter they fled away on a motorcycle. Hence,
F.I.R. was lodged against four unknown persons.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. The name of the petitioner has
been surfaced upon the confessional statement of co-accused
Amrendra Kumar @ Nishant. Except confessional statement of



co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that the looted money has been recovered from the house of Satya Prakash @ Prakash, Ranjan Kumar and Amrendra Kumar. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. He further submits that co-accused Sujit Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 65840 of 2023 and the case of present petitioner stands on similar footing. Petitioner is in custody since 12.06.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail the Co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 A.C.J.M. V, Sitamarhi in connection with Dumra P.S. Case No. 271 of 2023, 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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