

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83123 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- KHUTAUNA District- Madhubani

Pankaj Kumar @ Pankaj Kumar Yadav Son of Lachhiram Yadav @ Lakshi
Ram Yadav Village- Navtol, P.S. -Phulparas, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Khutauna P.S. Case No. 14 of 2024, giving rise to G.R. No. 94 of 2024, registered for the offence punishable under Section 394 of the Indian Penal Code.

3. Allegedly while the informant was going to Rajnagar, in the meantime, four persons riding on two motorcycles intercepted him and snatched away the valuables on the point of pistol. The accused persons also assaulted the informant due to which he sustained injury.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the petitioner was



apprehended and his confessional statement was recorded by the police, leading to recovery of one motorcycle. It is contended that in fact the motorcycle was recovered from the possession of the co-accused Ranjan Kumar Yadav, and thereafter, statement of the petitioner was recorded by the police. The place of recovery is said to be a scrap shop of Ranjan Kumar Yadav, with whom, the petitioner has no concern. It is further contended that, be that as it may, the crime, in question, is triable by the Magistrate and till date, the petitioner has not been put on Test Identification Parade. Save and except the confessional statement, there is no other material suggesting the complicity of the petitioner. Co-accused person have been accorded the privilege of regular bail by this Court in Cr. Misc. No. 62199 of 2024 vide order dated 04.09.2024 and further in Cr. Misc. No. 68306 of 2024 vide order dated 04.10.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that recovery of a motorcycle has been made at the instance of the petitioner, coupled with his two criminal antecedent, as has been disclosed in paragraph no. 3.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime, in



question, is triable by the Magistrate and now after completion of the investigation, charge-sheet has been submitted. Moreover, the case of the petitioner is based on parity, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 14 of 2024, giving rise to G.R. No. 94 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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