

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82373 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Prashant Kumar Pandey @ Chhotu Pandey S/o- Suresh Pandey Village- Paura
Madan Singh, Tola Darhara P.S.- Sarai Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-12-2024

1. Heard Mr. Pramod Kumar, learned counsel for
er and Mr. Akshay Lal Pandit, learned APP for the

2. The petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No. 344 of 2023 dated 17.05.2023 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that though the instant matter relates to loot committed with the informant and his Tab, mobile of Samsung Company with two SIMs of Jio company, Aadhar Card, Voter I.D. Card, bike, motorcycle's papers, Rs. 49,480/- and other necessary documents were looted from the informant but against this petitioner there is no material to connect him to



the alleged occurrence of dacoity except the confessional statement of co-accused Hemant Sah and he was taken into custody on 23.06.2024 in this matter but thereafter, the police did not take step to put the petitioner on test identification parade while the alleged occurrence is said to have taken place during day time and further during the investigation as well as after the petitioner was taken into custody, any part of the looted articles was not recovered from the house of the petitioner or his possession and accordingly, there is no legal evidence against the petitioner to connect him to the alleged crime and in this regard, order impugned may be persued. It is further submitted that the petitioner has been languishing in jail since 23.06.2024 and against him the investigation has been completed, though against the petitioner there are criminal antecedents of five cases but out of them, four were lodged in the year 2016-17 and the fifth case was lodged for the different offences of the I.P.C. and under the Excise Act and all these cases of criminal antecedents relate to the different kind of offences and the petitioner is on bail in all the said cases of antecedents. It is further submitted that co-accused persons namely, Kundan Kumar @ Kundan Paswan and Chandan Kumar @ Kallu Mahto have been granted anticipatory bail by this bench and co-ordinate bench



respectively and the co-accused Hemant Sah has been granted regular bail by a co-ordinate bench of this court vide Annexures P-3 series.

4. Though, the learned APP has opposed the bail prayer of this petitioner but fairly accepted that as per the order impugned, there is no material against the petitioner except the confessional statement of co-accused and against the petitioner the investigation has been completed.

5. Considering the aforesaid submissions made by petitioner's counsel, this court is inclined to grant the relief of regular bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Hajipur Sadar P.S. Case No. 344 of 2023 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial 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) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

Rajiv/-

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

