

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83604 of 2023

Arising Out of PS. Case No.-293 Year-2023 Thana- PIRBAHOR District- Patna

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Pankaj Sao @ Pankaj Saw @ Pankaj Kumar, S/O Late Ramji Saw, R/O Loha
Ka Pul, P.S- Mehandiganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pirbahore P.S. Case No. 293/2023 lodged on 16.04.2023 under
Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two unknown accused persons with an allegation
of committing robbery of cash amount and jewellery from the
informant on the point of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that from the house of one Pramod Kumar, some looted
articles have been recovered, but the said house does not belong
to the petitioner. The petitioner is accused in four more criminal



cases, but in all the cases, he has been granted bail and he is in custody since 29.05.2023. The chargesheet has already been filed and the offences under which the present FIR has been lodged is triable by a Magistrate.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(i) Patna Excise P.S. Case No. 836/2023

(ii) Pirbahore P.S. Case No. 363/2009.

(iii) Bahadurpur P.S. Case No. 127/2016

(iv) Patrakar Nagar P.S. Case No. 89/2021

(Dr. Anshuman, J)

Ashwini/-

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