

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83678 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- MAHARAJGANJ District- Siwan

Setu Kumar Pandey @ Kundan Kumar S/O Jhulan Pandey R/O Vill.-Saraiya
P.S- Maharajganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Maharajganj P.S. Case No.130 of 2024 dated 09.04.2024
instituted for the offence punishable under Section 394 of the
Indian Penal Code.

3. The prosecution case, in short, is that as usual, when
the informant was returning to his house by his motorcycle, at
about 7:10 PM at night, the informant reached near Chewar of
Nerua village, then three persons riding on a Passion Pro red
colour motorcycle came and surrounded the informant from
front side. All the three persons were having knife and one
accused person was having knife and countrymade pistol. All
the three persons snatched informant's motorcycle and mobile,
aadhar card and some money. When, the informant protested,



one persons gave knife blow due to which he received knife injuries on his left shoulder and on chest.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has transpired in this case on the basis of the confessional statement of co-accused, Anu Kumar Kushwaha and except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Further submission is that no TIP has been conducted till date. Lastly, it has been submitted that petitioner has three criminal cases against him

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Maharajganj P.S. Case No.130 of 2024 , he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

Prakash Narayan

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