

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37658 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- MAHUA District- Vaishali

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Pankaj Kumar S/O Phekan Sahni @ Fekan Sahni R/O Vill.- Imadpur
(Raghunathpur Imadpur), P.S.- Bhagwanpur, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-06-2025 Heard the parties.

2. The petitioner is in custody in connection with Session Trial No. 720 of 2024 arising out of Mahua P.S. Case No. 129 of 2024 for the offence punishable under sections 395 of the Indian Penal Code lodged on 16.03.2024 by the informant, Karuna Devi.

3. As per the prosecution story, the informant alleged that on hearing the sound of a vehicle at the door, came out and found three motorcycles parked there with six unknown persons standing. As the door was opened, hiding their faces by handkerchief, they stormed in the house and further allegation is that after putting tape on the mouth, was forced to seat on the bed, took the key of the cupboard and later took away all the silver and the gold items present in it, besides the cash amount. It



is the further allegation that a day earlier, three of them had come in querying about the installation of BSNL tower, this led to the FIR.

4. Earlier, the petition of the petitioner was rejected in Cr. Misc. No. 55274 of 2024 vide an order dated 23.10.2024. This is the second attempt.

5. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated in the case, he was not present at the place of occurrence, has already suffered by being in custody since 25.04.2024 and if granted bail, will diligently appear in trial.

6. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

7. Taking into account the submission of the parties as also that he has already remained in custody since 25.04.2024 and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-12th Vaishali at Hajipur in connection with Session Trial No. 720 of 2024 arising out of Mahua P.S. Case No. 129 of 2024 subject to the following



conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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