

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE-I, BENIPATTI-847223.

Case No.: - GR - 145 of 2021.

[In connection with Benipatti, P.S. Case No.:- 42/2021, dated:- 08-03-2021.]
(State Vs. Unknown.)

CIS No.- BRMB 210002322021.

- FIR lodged u/Ss.:- 392 of IPC.
- For the Petitioner:- Sri Brajesh Kumar, Advocate(Enrollment No.:- 848/2009)
- For the State:- Sri Raj Dev Tiwary, Ld. S.D.P.O., Benipatti.

Present: - Preetam Kumar Ratan.
A.C.J.M.-I., Benipatti.

Order No.	Date of Order	Order with Signature of the Magistrate.	Office note as to action taken on order (If any) with date.
	27-03-2021	<p>This bail petition is being heard today in the Physical Court. The earlier filed bail petition on behalf of the accused viz.: Pankaj Kumar, S/O- Bharat Mahto, R/O Vill.:- Siwaipatti, P.S.:- Siwaipatti, District:- Muzaffarpur, who is in the Judicial Custody since dated: - 13-03-2021, (hereinafter referred to as "the petitioner only"), has been pressed for hearing today. The copy of the petition has already been furnished to the learned S.D.P.O. appearing for the State.</p> <p>The learned Counsel for the petitioner Sri Brajesh Kumar, Advocate (having Enrollment No.:- 848/2009), while seeking the bail for the petitioner has advanced following arguments:-</p> <ul style="list-style-type: none">• That the petitioner is seeking regular bail in the case referred to above;• That the accused petitioner is quite innocent and has not committed any offence or offence;• That no bail petition has earlier been filed on behalf of these petitioners either regular or anticipatory either in this Court or any other superior Court;• That the petitioner is not FIR named accused. He is implicated in this case due to confessional statement of Yogendra Kumar Yadav;• That the petitioner never involve in robbery on the highway between sunset and sunrise;• That the alleged offence did not take place;• That the petitioner is in judicial custody since 12-03-2021 and has sufficiently been punished;• That the petitioner is law abiding citizen hence there is no chance of his absconding;• That the petitioner is ready to furnish the bail bond as the satisfaction of your honour. <p>The learned S.D.P.O. viz.: Sri Raj Dev Tiwary while appearing on behalf of the State has opposed the prayer of bail.</p>	

Handwritten signature and date:
27/3/2021

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	<u>27-03-2021</u> Contd.	<p style="text-align: center;"><u>FINDINGS</u></p> <p>Having heard both sides at length, this Court has occasion to peruse the entire case record which transpires the following facts at present:-</p> <ul style="list-style-type: none">• That the petitioner is main conspirator and main accused in all alleged conspiracy with respect to alleged crime.• That the Confessional Statement of Yogendra Kumar Yadav leading to recovery and busting of this case.• That the petitioner gave wrong information to police and mislead the all concerned by filing this prima facie false case.• That the Case Diary also contains incriminating materials against this petitioner.• That the allegation levelled against this petitioner is thus very serious and heinous in nature.• Thus, releasing the present petitioner on bail in the present facts and circumstances does not appear to be proper. <p>Accordingly, taking into account of the whole above facts, circumstances and above all the gravity of offence and the involvement of the petitioner in the alleged crime, it is hereby---</p> <p style="text-align: center;"><u>ORDERED</u></p> <ul style="list-style-type: none">▪ That the bail application of the petitioner viz.: Pankaj Kumar is hereby rejected in the interest of Justice and hence, the instant bail application stands accordingly disposed of. <p style="text-align: right;">Dictated <i>(Signature)</i> (P.K.Ratan) A.C.J.M.-I., Benipatti.</p>	