

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50802 of 2016

Arising Out of PS.Case No. -300 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Pankaj Kumar S/o Sri Bindeshwar Pandit Resident of Village- Panapur
Gaurahi, P.S. Hazipur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate
For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2016 Learned counsel for the petitioner is permitted to

correct the village name of the petitioner in the cause title of

this petition.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with Hajipur

Town P.S. Case No. 300 of 2016 registered for the offence

punishable under Sections 324, 326, 307 and 302 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,

is that while he and the Marketing Officer, Kishlay Kumar

were doing work in the Pepsi Cold-drinks Godown, some



miscreants with covered face entered and fired. A pellet hit Kishlay Kumar who succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that First Information Report has been lodged against unknown and he has been remanded to custody on 13.07.2016 on the confessional statement of one Vikky Baitha, who has named the petitioner, as one of the associates. He submits that the confessional statement of a co-accused has no evidentiary value in the eye of law and the co-accused has not alleged that the petitioner fired, in fact, he confessed that he along with another co-accused Jitendra Paswan fired. He further submits that the informant's brother and the informant were not having good relations with the deceased, Kishlay Kumar, as witnesses in paragraphs 29, 36, 46 and 47 of the case diary have stated that the deceased was asked to do some illegal work by them which was refused by deceased. Even the wife of the deceased has stated that the informant and his brother were not having good relations with each other. He submits that no Test Identification Parade has been done so far and nothing incriminating has been recovered from the possession of the petitioner. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of



tampering with the prosecution evidence

However, learned A.P.P. for the State submits that the petitioner has been named by the co-accused and has criminal antecedent, hence, opposes the prayer for bail.

Considering the fact and circumstances and submission of the parties, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 300 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of the concerned police station/ Court and that petitioner will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted



with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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