

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8391 of 2017

Arising Out of PS.Case No. -159 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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Abhishek Kumar @ Dinu Pandey, son of Sri Shambhu Sharan Pandey,
resident of village - Belahi Ram, Police Station - Patahi, District - Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
18.10.2016 in connection with Majorganj P.S. Case No. 159/16
for offences punishable under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,
is that he was working in M.S. Lakshman Company and on the
alleged date of occurrence, three miscreants came there and asked
about Munshi and when Munshi Dharmvir Singh came there, they
fired upon him, resultantly, he succumbed to the injuries and a
paper was stuck there in which responsibility was taken by “New
Kshtriya Sangathan Fauj” and spokesperson named as Raj Singh.



It has been submitted by the learned counsel for the petitioner that he is innocent and it is only on the basis of the confessional statement of one Prem Ranjan Singh and his own confession, which has no evidentiary value in the eye of law, that he has been made accused. It is submitted that charge-sheet has already been submitted against him, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that some of the persons, who are accused in the aforesaid case, have since been granted the privilege of bail by this Court in Cr. Misc. No. 51010 of 2016 on 22.12.2016 and Cr. Misc. No. 49360 of 2016 on 10.01.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is also involved with the said gang which collects levy from the contractors and businessmen.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st, Sitamarhi in connection with Majorganj P.S. Case No. 159/16, subject to the condition that one of the sureties will be by a close relative of the petitioner, who will



swear an affidavit showing his relationship with the petitioner and the other would have sufficient immovable property within the jurisdiction of the concerned police station and that petitioner will appear before the learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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