

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76576 of 2019

Arising Out of PS. Case No.-312 Year-2019 Thana- BAKHTIARPUR District- Saharsa

PANKAJ SINGH Son of Chhatri Singh Resident of Village- Belbada Jila
Tola, Ward No.12, P.S.- Simri Bakhtiyarpur (Kanariya O.P.), District-
Saharsa. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP
For the Informant : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Bakhtiyarpur P.S. Case No. 312 of 2019 registered for the offence punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that bare perusal of the FIR shows that there is no allegation of commission of any overt act against the petitioner. The petitioner is simply said to be present there and the allegation of killing of the informant's brother is against co-accused Ranveer Singh. It is further submitted that due to enmity the petitioner has been dragged in this case as his grandfather had deposed in a Sessions Trial against the uncle of the informant. The



petitioner is suffering custody since 19.08.2019 having no criminal antecedent. The Police has completed the investigation and there is no chance of tampering with the prosecution evidence.

Learned APP and learned counsel for the informant have opposed the prayer of bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the first information report there is no allegation of commission of any overt act against him, the brother of the informant was allegedly fired at by co-accused Ranveer Singh on the order of his mother Amo Devi. The allegation that all the co-accused including this petitioner had come there lashed with arms but there is no allegation that this petitioner had made any firing or had injured anybody in any way, both the parties are co-villagers and submission is that there are old enmity as the grandfather of this petitioner had deposed in a sessions trial against the uncle of the informant and for that reason he has been falsely implicated in this case, on finding that there is no specific allegation in the FIR against this petitioner, the petitioner is in custody since 19.08.2019, the investigation is complete and has no criminal antecedent, there being no



submission that the release of the petitioner on bail is likely to interfere in course of trial, let the petitioner above named be released on bail in connection with Bakhtiyarpur P.S. Case No. 312 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person 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.

(Rajeev Ranjan Prasad, J)

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