

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8145 of 2020**

Arising Out of PS. Case No.-38 Year-2019 Thana- RAUTARA District- Katihar

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Sanjiv Kumar Poddar @ Tipu Podar @ Sanjeev Poddar, Son of Late  
Muneshvar Poddar Resident of Mohalla - Tingachhiya, P.S.- Katihar Town,  
Distt - Katihar (Bihar) ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate  
Mr.Saket Gupta, Advocate  
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

4      30-06-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State through Virtual Court proceeding.

In the present case, the petitioner is seeking bail in connection with Rautara P.S. Case No. 38 of 2019, registered for the offence punishable under Sections 302, 120 B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the co-accused including the petitioner is to have killed the son of the informant by firearm and the specific allegation has been made against the petitioner that he has called the deceased on mobile phone and, thereafter, his dead body was found.

Counsel for the petitioner submits that he has good relation with the deceased and there was no occasion for the present petitioner to be involved in killing the deceased. He further submits that in restatement the informant has reiterated



the same version what he has stated earlier and has only shown that the victim has received a call and whereafter he left the place, it was natural consequences that as he was a friend so he used to come with him and used to meet with the victim. He further submits that he continued to give call at about 4 P.M. which itself shows that he was not involved in such offence, otherwise there was no occasion for the petitioner to give a call after death of the victim.

Counsel for the State submits that the petitioner was also party to the conspiracy and he has called the petitioner and just thereafter, he had been killed. Paragraphs 99 and 125 of the case diary shows the tower location of the petitioner vis-a-vis the victim and other persons and it has been recorded that the present petitioner had talked with the victim.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail is rejected for the present.

**(Shivaji Pandey, J)**

V.K.Pandey/-

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