

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12638 of 2020

Arising Out of PS. Case No.-1197 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

PANKAJ KUMAR Son of Darweshwar Sah Resident of Village - Shantipur,
P.S.- Bochahan, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. J.N. Thakur APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 Heard.

The matter has been taken up through virtual Court proceeding.

The petitioner is languishing in jail since 7.10.2019 in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Akshay Raj recorded by Rajendra Sah, SHO, Gaighat Police Station on 5.10.2019 at 10.58 A.M. in the Emergency Ward of SKMCH, Muzaffarpur, is to the effect that the father of the informant, namely, Shailendra Kumar Singh was working as a compounder in Sri Sai Diabetes Clinic situated at Bara Jagannath, Ahiapur near Shanti Niketan School. On 5.10.2019 at 9 A.M. the informant's father went to the clinic and at 10.30 A.M. the informant received telephonic message that his father has been



shot at. Thereafter, the informant and his mother went to the clinic where they came to know that the father of the informant has been taken to SKMCH, Muzaffarpur, and they went to SKMCH, where the father of the informant disclosed that co-accused Ghanshyam Patel and his wife Baby Patel got him shot at, leading to registration of FIR against co-accused Ghanshyam Patel and Baby Patel. During investigation, the confession of co-accused Ghanshyam Patel was recorded wherein he suggested that the petitioner, Lalbabu Sah and others played active role in conspiring to kill the victim at his behest.

It is submitted by learned counsel for the petitioner that the assailants were not identified on the spot, name of the petitioner sprang up on confession of co-accused Ghanshyam Patel as one of the conspirators and not as a shooter. It is further submitted that co-accused Ghanshyam Patel has been granted bail vide order dated 17.2.2020 passed in Cr. Misc. No. 13372 of 2020 whereas co-accused Lal Babu Sah, who also was named by co-accused Ghanshyam Patel, has been granted bail vide order dated 14.2.2020 passed in Cr. Misc. No. 11256 of 2020 by different Co-ordinate benches of this court. The petitioner is accused in two other cases, but in one of the cases, he is on bail and in the other case, he has been acquitted. The investigation



has already been concluded.

Learned APP submits that name of the petitioner sprang up during investigation in the confession of co-accused Ghanshayam Patel who was the main conspirator of the incident.

Considering the fact that the name of the petitioner sprang up during investigation in the confession of co-accused Ghanshyam Patel who has been granted bail by a Co-ordinate bench of this Court, moreover, the other co-accused who was also named by co-accused Ghanshyam Patel as conspirator, has also been granted bail, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1197 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1197 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the lock down is not over in three months.

(Dinesh Kumar Singh, J)

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