

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26269 of 2020**

Arising Out of PS. Case No.-224 Year-2018 Thana- PATEPUR District- Vaishali

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Pankaj Kumar @ Pankaj Rai, Son of Surydev Mahto, Resident of Village-
Chandopatti Rudauli, Dhurulakh, P.S.- Muffasil Samastipur, District-
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Patepur P.S. Case No. 224 of 2018
registered for the offences punishable under Sections 364,
120(B), 302, 201 of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story the husband of the informant had disclosed
over the mobile phone to his wife-informant that four named



accused (1.) Amarnath Sahani (2.) Hemant Sahani (3.) Asheshwar Sahani (4.) Vijay Sahani and others had surrounded him and they wanted to kill him whereafter the mobile went off and the wife-informant reached on the spot with the co-villagers. The informant claims that she was told by altogether 13 accused persons who were standing near the bridge having pistol and gun in their hand to go back, failing which they will also kill her and then those persons went away shouting slogan in the name of banned outfit.

Learned counsel submits that the husband of the informant went missing and thereafter the present case has been lodged. It is his submission that implication of the petitioner is on mere suspicion and he has been implicated on the basis of confession of co-accused which has otherwise no evidenciary value. Nothing has been recovered from his possession and the co-accused similarly situated have been granted bail in Cr. Misc. No. 16538 of 2019, Cr. Misc. No. 22448 of 2019, Cr. Misc. No. 45925 of 2019, Cr. Misc. No. 53746 of 2019, Cr. Misc. No. 53062 of 2019 and Cr. Misc. No. 13635 of 2020, copy of which are enclosed as Annexure '2'.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but accepts that similarly



situated persons have been granted bail by the learned co-ordinate Benches of this Court.

Having regard to the facts and circumstances of the case, wherein the similarly situated accused have been granted bail and there is no specific allegation of assault against the petitioner and further the one case in which the petitioner is an accused as stated in paragraph '3', learned counsel states that he has applied for regular bail in this Court and the same is pending, the petitioner is in jail in connection with the present case since 15.01.2019, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Vth, Vaishali at Hajipur in connection with Patyepur P.S. CAsE No. 224 of 2018, subject to the conditions as laid down under Section 437(3) of the 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, or 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

