

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21596 of 2020

Arising Out of PS. Case No.-384 Year-2019 Thana- TAJPUR District- Samastipur

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Pankaj Rai @ Pankaj Kumar Rai Son of Khageshwar Rai Resident of Village
- Bishanpur Bathua, P.S.- Pusa, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 21-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Tajpur P.S. Case No. 384
of 2019 registered for the offence under Sections 394, 302, 34
of the Indian Penal Code.

As per prosecution case, on 18-10-2019, the
informant received an information on mobile phone that his
brother has received bullet injury and his treatment is going on
in Sadar Hospital, Samastipur. After getting this information, the
informant rushed to Sadar Hospital, where he found his brother
dead. It is further alleged that after query from the persons
present there, he came to know that on the date of occurrence,
while the deceased was returning to his branch after collecting
cash and reached near Jamuari river bridge, three unknown
criminals on two motorcycles intercepted him and thereafter,
one of the criminal fired on him and also looted a bag



containing Rs. 1.5 lacs cash and fled away.

It is submitted on behalf of petitioner that petitioner has been implicated in this case. Neither petitioner is named in the FIR nor anybody has seen him. It is further submitted that on perusal of FIR itself, it is evident that informant is not eye-witness to the occurrence. No incriminating article has been recovered from possession of the petitioner and petitioner is handicapped person and suffering from various disease and he is in custody since 29-01-2020.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that petitioner's name has come during course of investigation. In the case diary, it has come that one witness has seen petitioner fleeing away from the place of occurrence. It is further submitted that petitioner has got criminal antecedents and he is accused in altogether nine cases.

Considering the aforesaid facts & circumstances and materials available on record as well as criminal antecedents of petitioner, I am not inclined to grant bail. The bail application stands rejected.

(Prabhat Kumar Singh, J.)

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