

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26921 of 2020

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

PANKAJ KUMAR @ PANKAJ KUMAR RAI S/o Paras Rai @ Ram Ekwai
Rai Resident of Village-Sherpur, P.S.-Maner, District-Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate

For the Opposite Party : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-10-2020 Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioner and Mr. Anil Prasad Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Maner P.S. Case No. 590 of 2019, registered for the offence punishable under Sections 147, 148, 149, 387, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

There are 25 persons named and 20-25 not named in the F.I.R., who are said to have committed the offence. It is alleged in the F.I.R. that when the informant's side was constructing a house over a piece of land, the miscreants, variously armed, came and tried to demolish the wall of the house. There is allegation against co-accused Himanshu Rai of having shot at the informant's nephew. Co-accused Shyama Kant Rai is said to have shot at one of the labours with rifle,



leading to his death. Similarly, there is allegation against co-accused Jai Prakash Rai and Ravindra Rai of having shot at the informant's two cousins.

Learned counsel appearing on behalf of the petitioner has submitted that no overt act has been attributed to the petitioner in the F.I.R. He has argued that the petitioner can be at the maximum termed as one of the members of the mob. In similar circumstance, co-accused Munna Rai has been allowed regular bail by this Court by an order dated 23.06.2020 passed in Cr. Misc. No. 18682 of 2020, he contends.

On close reading of the F.I.R. and the order passed by this Court in case of co-accused Munna Rai (supra), in my opinion, a case for grant of regular bail is made out.

This application is accordingly allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Danapur, in Maner P.S. Case No. 590 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.



Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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