

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28795 of 2020

Arising Out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

PANKAJ KUMAR S/o Surydev Mahto R/o Village- Chandopatti Raudauli,
Dhurulakh, P.S.- Muffasil Smastipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar

For the Opposite Party/s : Mr. Md. Sakil Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Md. Sakil Ahmad, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Jandaha P.S. Case No. 310 of 2018 for the offence punishable under sections 147, 148, 149, 302, 307, 326, 384 of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of Explosives Act and Sections 13, 16, 19 and 20 of the Unlawful Activities Prevention Act, 1967.

The case of the prosecution in brief is that 9-10



unknown miscreants, whose faces were covered, had entered inside the house of the informant, on the alleged date and time of occurrence and had murdered the brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 10.03.2019. It is further submitted by the learned counsel for the petitioner that the petitioner is neither named in the FIR nor investigation has revealed any specific role of the petitioner herein in the alleged crime and in fact, specific role has been attributed to the co-accused persons namely Amarnath Sahani, Ijaj and Raja. The name of the petitioner is stated to have been disclosed by the co-accused persons namely Ritu Devi and the said Ritu Devi has already been granted bail by an order passed by a co-ordinate Bench of this Court vide Cr. Misc. No. 43046 of 2019. It is further submitted that almost all the accused persons have been granted bail, as would be apparent from the various orders passed by the co-ordinate Benches of this Court, annexed as Annexure-2 series to the petition.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.



Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail, however subject to the condition that he shall attend the court proceedings on each and every date so fixed by the learned court below and in case of two consecutive default in appearing before the learned court below, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 310 of 2018, however subject to the condition, as aforesaid.

(Mohit Kumar Shah, J)

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