

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15467 of 2021

Arising Out of PS. Case No.-128 Year-2019 Thana- RAJPUR District- Buxar

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PANKAJ KUMAR TIWARI S/O BIMLESHWAR TIWARI R/O
KHARAGPURA, PS RAJPURA, DISTRICT BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Rajpur P.S. Case No. 128
of 2019, registered for the offence punishable under Sections
302/34 of the Indian Penal Code.

As per the prosecution case, on 15.06.2019 at 12.10
pm, while informant's son Sushil Pathak and Krishnakant
Pathak after completing their work were returning to their home,
on the way, some unknown miscreants came on two
motorcycles and fired upon them, as a result of which both of
them died.

It is submitted on behalf of the petitioner that



petitioner has falsely been implicated in this case. There is no eye-witness to the occurrence. Name of petitioner surfaced in the confessional statement of co-accused Ajay Kumar @ Gorakh Kumar Singh @ Gorakh Ram who has been granted bail by this Court vide order dated 08.12.2020 passed in Cr. Misc. No. 31142 of 2020. Moreover, similarly situated co-accused Ankesh Kumar Singh has been granted bail bu this Court vide order dated 04.11.2020 passed in Cr. Misc. No. 24531 of 2020. Petitioner is in custody since 05.12.2020. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 128 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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