

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3175 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- BELDOUR District- Khagaria

PANKAJ SINGH @ PANKAJ KUMAR Son of Mahendra Singh Resident of
Village- Pandav Nagar, Shobhani, P.S.- Gangaur, District- Khagaria.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. S.D. Sanjay, Sr. Advocate

Mr. Mohit Agarwal, Advocate

For the Respondent/s : Ms. Usha Kumari No.1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-09-2021 Learned counsel for the appellant undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard Mr. S.D. Sanjay, learned Senior Counsel
assisted by Mr. Mohit Agarwal, learned counsel for the appellant
and Ms. Usha Kumari No. 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting
aside of the order dated 12.07.2021 passed by learned 1st
Additional Sessions Judge-cum-Special Judge SC/ST Act,
Khagaria in connection with Beldaur P.S. Case No. 334 of 2020
registered for the offences punishable under Sections 302, 34 and
120(B) of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(2)(v) of SC/ST Act whereby and whereunder the
prayer for regular bail of the appellant was rejected.

As per the prosecution story, on 06.12.2021 the informant's husband had gone for morning walk with one Sikendra Gupta a teacher and while he was at a distance of about one kilometer from the house of the informant in front of orchard of one Bedanand Singh towards west side of the road he was caught and shot dead and the dead body was thrown. The informant claimed that her husband was a social worker.

Learned Senior Counsel for the appellant submits that as per the FIR, one Sikendra Gupta is an eye-witness to the alleged occurrence but when he was examined by the I.O. in paragraph '13' of the case diary his statement has been recorded, he could not identify anybody because according to him there was fog in the morning hour.

Learned Senior Counsel submits that in course of investigation the I.O. did not find any material against this appellant but when the appellant was arrested in connection with another case, being Khagaria P.S. Case No. 77 of 2021 on 25.01.2021 his remand was sought in the present case and has been accordingly remanded on 02.03.2021.

Learned Senior Counsel further submits that in this case the police extracted confessional statement from almost all the accused but save and except the confessional statement of the co-accused and this appellant no other independent material has

been collected to connect them with the present occurrence.

Learned Senior Counsel points out that co-accused Sunil Sharma who is said to have confessed that he had shot at the deceased has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 2370 of 2021. Similarly situated co-accused Perma Nand Sharma and Kanhaiya @ Vivek Shaarma have been granted bail by another learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 1886 of 2021.

It is, thus, his submission that there being no material against the appellant, his further incarceration is not likely to come in aid of investigation or help to the prosecution. In the only case against him, he is on bail.

Learned Spl.P.P. for the State has though opposed the prayer for setting aside of the impugned order and release of the appellant on bail but considering the entire facts and circumstances of the case wherein all the co-accused have been granted bail and no distinguishing material has been brought against this appellant, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special

Judge, SC/ST Khagaria in connection with Beldaur P.S. Case No. 334 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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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'.