

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34826 of 2020

Arising Out of PS. Case No.-217 Year-2015 Thana- RAJPUR District- Buxar

AKSHAY KUMAR RAM @ AKSHAY LAL RAM Son of Late Harichand
Ram @ Harishchandra Ram Resident of Village- Sagra Rasulpur, P.S.-
Rajpur, District- Buxar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
Mr. Anil Kumar Roy, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-03-2021 Heard both sides.

The petitioner seeks bail in Rajpur P.S. Case No.217
of 2015 registered under Sections 302 and 34 of the Indian
Penal Code and under Section 27 of the Arms Act.

The informant is the uncle of the deceased Mani
Shankar Pandey. The informant disclosed that on 26.11.2015,
Meena Kumari his niece informed him that Mani Shankar
Pandey @ Pappu Pandey was killed at Paswan Tola. The
informant did not name any accused.

The learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. The name of the petitioner
surfaced in the case in the confessional statement of co-accused
Santosh Paswan that the petitioner was also accompanying him



at the time of killing of Mani Shankar Pandey. Save and except the confession of Santosh Paswan, the Investigating Officer did not collect any further evidence to show the involvement of the petitioner in the killing of Mani Shankar Pandey or hatching of any conspiracy for killing of Mani Shankar Pandey but the police declared the petitioner absconder. It is further submitted that petitioner is in custody since 20.06.2020. The police has already submitted chargesheet and petitioner is rotting in jail although no material is available against the petitioner in the entire case diary. It is further submitted that petitioner has got no criminal antecedent.

Mr. Madan Kumar, learned A.P.P. however opposed the prayer for bail and submits that police has investigated the case in a very perfunctory manner and did not collect any evidence save and except the fact that Santosh Paswan was arrested and he is said to have confessed his guilt before the police. On the basis of such confession, the chargesheet is also submitted against the petitioner.

Taking into consideration the facts aforesaid and the fact that the name of the petitioner surfaced in the case in the confessional statement of Santosh Paswan and save and except the confession the Investigating Officer did not collect any



further material to show the involvement of the petitioner in the murder of Mani Shankar Pandey, let the petitioner, above named, 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.217 of 2015.

(Prabhat Kumar Jha, J)

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