

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38240 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- BHAGWANGANJ District- Patna

Pankaj Kumar Son Of Surendra Ram Resident Of Village - Karwan, P.S. -
Bhagwanganj, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the State : Mr. Surendra Prasad Singh, A.P.P.

For the Informant Mr. Ram Naresh Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-03-2021 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Bhagwanganj P.S. Case no. 114 of 2019 corresponding to Sessions Trial no. 172 of 2020 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., over a minor dispute it is stated that the accused persons including the petitioner herein came to the house of the informant and started to abuse and on



the informant protesting with the same, Dukhan Singh fired from his country made revolver injuring his father who died.

It is submitted by learned counsel for the petitioner that the allegation as narrated in the FIR are false and incorrect. The petitioner is not stated to be the assailant. The sole assailant is co-accused Dukhan Singh. The petitioner is in custody since 04.12.2019 i.e. for more than one year.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from perusal of the FIR itself it would transpire that it was as a result of common intention that the accused persons including the petitioner herein had come to give effect to the occurrence and thereafter Dukhan Singh fired and killed the father of the informant.

Having heard learned counsel for the parties and taking into consideration that the main allegation of firing is on co-accused Dukhan Singh and not the petitioner herein together with the period in custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bhagwanganj P.S. Case no. 114 of 2019 corresponding to Sessions Trial no. 172 of 2020 on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XXV, Masaurhi, District Patna.

(Partha Sarthy, J)

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