

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40433 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- KOCHAS District- Rohtas

SHASHI PAL @ SHASHI KANT PAL son of Ram Awtar Pal @ Ram Avtar Paul Resident of Village- Bastalawa, P.S.- Parsathua (Kochas) District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Senior Advocate

For the Opposite Party/s : Mr. Chote Lal Mishra, Advocate

Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-05-2021 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner, Mr. Chote Lal Mishra, learned counsel for the informant and Mr. Abhay Kumar, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Kochas (Parsathua O.P.) P.S. Case No. 63 of 2020 registered for the offence under Section 302, 120 (B) / 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the son of the informant was sleeping at his *Dalan* with the co-accused Pankaj Pal, Deepak Pal and Babu Lal Sharma and on the date of occurrence the co-accused persons informed the informant that his son has been killed by the thieves.



Learned senior counsel for the petitioner submits that from perusal of the First Information Report it would be evident that name of petitioner has been dragged in this case on the basis of suspicion only because there was previous land dispute between the informant and the petitioner. Learned counsel further submits that except suspicion due to land dispute no material has come during the course of investigation against the petitioner. Learned counsel also submits that dispute regarding land had been compromised much prior to the present occurrence. Learned counsel further submits that similarly situated co-accused persons namely, Pankaj Pal and Deepak Pal have been granted bail by a Co-Ordinate Bench of this Court in Cr. Misc. No. 30406 of 2020 and the petitioner is in custody since 24.08.2020.

On the other hand, learned counsel for the informant and State vehemently oppose the prayer for bail.

Learned counsel for the informant submits that in the F.I.R. there is specific allegation against the petitioner that he conspired with other co-accused persons and killed the informant's son.

Learned counsel for the State referring to the case diary submits that during the course of investigation only



suspicion has come against the petitioner and other co-accused persons.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that similarly situated co-accused persons against whom suspicion has been raised have been granted bail by Co-Ordinate Bench of this Court, petitioner is in custody since 24.08.2020 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Rohtas at Sasaram in connection with Kochas (Parsathua) P.S. Case No. 63 of 2020 on the following condition:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well



*represented on each date and if he fails to do
so on two consecutive dates, his bail bond will
be liable to be cancelled.*

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

