

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7015 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- PANDARAK District- Patna

PANKAJ KUMAR Son of Mathura Yadav Resident of Village- Kanahieepur,
Gahall Asthan, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Pandarak P.S. Case No. 40 of 2021 for the offence punishable under Sections 302, 120(b)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioner herein, variously armed having arrived at the house of the petitioner whereafter they had abused the father of the informant and on protest, one of the co-accused person namely Siyaram Prasad had exhorted the other co-accused persons to fire gun shot on the father of the informant whereupon one of the co-accused person namely Sanjay Kumar had fired gun shot on the father of the informant



resulting in him receiving gun shot injuries and subsequently the father of the informant is stated to have died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 10.08.2021. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR would show that the petitioner has not been stated to have engaged in any sort of overt act and specific allegation is against the co-accused person Sanay Kumar of having fired gun shot on the father of the informant, whereafter he had succumbed to the injuries sustained by him.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of overt act and on the contrary, specific allegation has been levelled against the co-accused person Sanjay Kumar of him having fired gun shot on the father of the informant apart from



the fact that the petitioner is having a clean antecedent and is languishing in custody since 10.08.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, Patna in connection with Pandarak P.S. Case No. 40 of 2021.

(Mohit Kumar Shah, J)

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