

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21240 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- PURNAHYA District- Sheohar

PANKAJ KUMAR @ PANKAJ MAHTO S/O LATE MAHESHWAR
MAHTO R/o village- Hathisar, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

8 24-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 29.12.2020, seeks
regular bail in connection with Purnahia P.S. Case No. 150 of
2020 registered for offences punishable under Sections 307,
302,120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution case, in brief, is that informant who is
brother of the deceased Sri Narayan Singh, lodged F.I.R. against
five accused persons relating to incidence which has taken place
in course of campaigning for Assembly Election, 2020 at village
Hathishar in which named assailants assaulted the brother of the



informant Sri Narayan Singh and nephew of the present petitioner Santosh Mahto and one Alok Ranjan. Brother of the informant and nephew of the petitioner died on the spot. The villagers who were present at the time of occurrence have named two accused persons namely, Gauri Shankar Maharaj @ Kishan Jha and Neeraj Pathak and one accused person fled away. Out of two assailants one Gauri Shankar Maharaj was bitten to death by the mob. Neeraj Pathak informed that one accused person who has fled away is Babu Saheb Jha. It is further alleged that one accused person Vikash Jha @ Kaliya has hatched conspiracy to commit murder of the brother of the informant. The autopsy of the body of both the accused persons was done at Sadar Hospital, Sitamarhi, where the doctor has opined that the death has been caused by the fire-arm injury on the body of the deceased persons.

Learned counsel appearing on behalf of the petitioner submits that so far as the present petitioner is concerned, his own nephew had died in course of the alleged incidence and he was also not present at the time of the murder which appears from the F.I.R. itself. There is allegation against the petitioner is that he had invited the brother of the informant for campaigning at village Hathisar where the alleged incidence took place. The



petitioner is not connected with the alleged incidence neither the circumstances are such which can be corroborated from the allegation made in the F.I.R.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that in paragraph No. 97 of the case diary, the petitioner in his confessional statement has not admitted that he is connected with the alleged murder of the brother of the informant or his nephew.

Considering the facts and circumstances of the case as well as from the perusal of the F.I.R. itself it appears that the present petitioner has not played any role in the commission of occurrence which lead to the murder of the brother of the informant. In course of investigation, no incriminating circumstances lead to any evidence that petitioner was involved in the murder of the informant's brother or his own nephew, prima facie the petitioner has made out a case to be released on bail. The Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IInd, Sheohar in connection with Purnahia P.S. Case No. 150 of 2020 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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