

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22854 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- ANGARGHAT District- Samastipur

PANKAJ KUMAR Son of Shatrudhan Ray Resident of Village - Supaul
Dadhiya, P.S.- Angarghat, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 29.05.2020 seeks
regular bail in connection with Angarghat P.S. Case No. 27 of
2020 Corresponding Sessions Trial No. 163 of 2020 registered
for offences punishable under Sections 307, 323, 341, 342, 323,
506, 504/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution case in brief is that one Santosh Kumar
alias Lulia has fired upon the informant with intention to kill
him. There is specific allegation against the petitioner that he
has handed over the pistol to one Munna Yadav who has also
fired upon the informant.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case due to past enmity and there is no allegation of overt act or firing by the petitioner. He further submits that petitioner is in custody since 29.05.2020 without committing any offence.

Learned A.P.P., however opposes the prayer for bail.

Considering the facts and circumstances of the case and there being no allegation of overt act against the petitioner rather the informant has received fire-arm injury of one Munna Yadav and Santosh Kumar alias Lulia, the petitioner is directed to be released 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 or Successor Court, Dalsingsarai, District- Samastipur in connection with Angarghat P.S. Case No. 27 of 2020 Corresponding Sessions Trial No. 163 of 2020 subject to the following conditions:

(i) Petitioner shall register his presence to the local police station on every fortnight at 10 A.M.

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



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

(iv) If the petitioner tempers 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.

(v) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

Case diary has been received however, it seems that deliberately, some important paragraphs which have been taken note by the Court below in the impugned order have not been furnished. The S.P. is directed to take appropriate action against the investigating officer and inform this Court by 17.01.2022.

(Purnendu Singh, J)

Niraj/-

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

