

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20818 of 2022**

Arising Out of PS. Case No.-511 Year-2019 Thana- BODHGAYA District- Gaya

PANKAJ KUMAR S/o Satendra Prasad Yadav Resident of Village- Panti,
Police Station- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

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

2 11-07-2022 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 25.09.2021, seeks
regular bail in connection with Bodhgaya P.S. Case No. 511 of
2019 registered for offences punishable under Sections 396 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that while the uncle of the
informant was returning home on 25.11.2019, six unknown
miscreants committed robbery and killed his uncle, who had
sustained bullet injury on his neck. FIR is against unknown.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been implicated



in the present case. Petitioner is not named in the FIR and his name has surfaced on the basis of confessional statement of co-accused Santosh Chaudhary, Santosh Yadav and Kapil Yadav. His specific submission is that petitioner is not the member of the said gang which is operated by the accused persons on whose statement, the petitioner has been made accused in the present case. The petitioner is innocent and he is not connected with the alleged murder and robbery which have been committed. Petitioner has clean antecedent and he is in custody since 25.09.2021. He further submits that several accused persons have already been released on bail by this Court and in this regard, he has brought on record the orders of the Court by way of 'Annexure-2' series. There is no chance of absconding or tampering and hence petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case as well as the fact that petitioner is not named in the FIR, looted bag, mobile etc. were recovered from co-accused Santosh Yadav. Co-accused Ravi Yadav has already been released on bail vide order dated 28.09.2020 passed in Cr. Misc. No. 25353 of 2020, other co-accused namely, Kailu Yadav and Santosh Chaudhary have also been released on bail by a co-ordinate Bench of this Court vide



order dated 24.11.2020 and 08.01.2021 passed in Cr. Misc. 30600 of 2020 and 31234 of 2020 respectively. There is no allegation of tampering the evidence or influencing the witnesses and the trial is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged 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 Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No. 511 of 2019 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.

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

(Purnendu Singh, J)

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