

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32189 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- GAURICHAK District- Patna

PANKAJ KUMAR, S/O LATE SHESH NATH SINGH R/O VILLAGE-
LAKHIPUR KOLI, P.S.-GAURICHAK, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 25-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter

within one month.

Heard the learned counsel for the petitioner as well

as Mr. J. N. Thakur, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Gaurichak P. S. Case No. 385 of

2020, instituted for the offences under Sections 302, 34 and

201 of the Indian Penal Code and Section 27 of the Arms

Act, 1959.

Mr. Ravi Raushan Kumar, the informant has lodged

the F.I.R., stating therein that on 08.11.2020 at about



11.30 a.m., he along with his elder brother, Abhishek Kumar (deceased) was getting their tempo being repaired at the shop of one Ranjeet Mistri. One Suraj Kumar came there and took his brother. Ranjeet Mistri apprised the informant that Suraj Kumar @ Bhutwa had come there. Later on, in the same evening at about 07.00 p.m., he came to know that his brother Abhishek Kumar was murdered by fire-shots. The informant has stated that his brother was taken by co-accused, Suraj Kumar @ Bhutwa in a pre-planned manner and he was murdered.

The learned counsel for the petitioner has submitted that the informant did not name the present petitioner in the F.I.R. but he named the petitioner in his re-statement in paragraph no. 24. In the F.I.R., he took the name of only Suraj Kumar but in his re-statement, which was given after four days, he added the name of present petitioner. He has also submitted that in paragraph no. 13 of the case-diary, Ranjeet Mistri has also taken the name of Suraj Kumar only and not the present petitioner. Similarly, in paragraph no. 14, witness, Pramod Paswan has also not



taken the name of the present petitioner.

On the other hand, the learned Additional PP has opposed the prayer for bail.

The petitioner was not named in the F.I.R. The aforesaid Ranjeet Mistri, from whose shop the deceased was taken away, has also not named the present petitioner.

Considering the afore-stated facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Vith, Patna City, Patna, in connection with Gaurichak P. S. Case No. 385 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided in para



1 hereinabove, failing which the matter shall be brought to
the notice of this Court.

(Nawneet Kumar Pandey, J)

skm/-

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