

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37249 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Pankaj Kumar Sah S/O Suresh Chand Shah, R/o village- At Near I.T.I.
Hugooli Pench Steel Area, P.S.- Shahgan, District- Hugali, (West Bangal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 27-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Baikunthpur P.S. Case No. 43 of 2021, for the offence
punishable under Section 302 and 201 of the Indian Penal Code.

The allegation is of recovery of dead body of
deceased aged about 20-25 years near cherjai road. A ligature
mark was found on the neck of the deceased. In course of
investigation a mobile phone was recovered from the possession
of the petitioner and he has confessed his involvement in the
crime.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner is driver of Ola vehicle and it was merely a coincidence that he was found near the place of occurrence he has been roped in the present case. The petitioner has no connection with the alleged murder. The F.I.R. has been lodged against unknown persons. He further submits that similarly situated co-accused Madhav Ray @ Madho Ray has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Criminal Miscellaneous No. 46960 of 2021. The petitioner has no criminal antecedent and he is in custody since 02.03.2021.

Learned A.P.P. for the State submits that a report was called for from S.P. Gopalganj with regard to the criminal antecedent of the petitioner from west Bengal. From the report, it appears that the Officer-in-Charge Chinsurah Police Station, Chandannagore PC, West Bengal has submitted a report that on inquiry no adverse report from any corner has been found against the petitioner and there is no adverse criminal record against the petitioner Pankaj Kumar Shah, son of Suresh Chand Shah. However, in paragraph no. 36 of the case diary there is sufficient material which shows the involvement of the



petitioner in the alleged murder. He further submits that it would not be in public interest to enlarge the petitioner on bail.

Having considered the rival submission of the parties. Petitioner is not named in the F.I.R. Petitioner was present near the place of occurrence and has been made accused on mere suspicion on the basis of his confessional statement made in Police custody, which has no evidentiary value. The report submitted by the Superintendent of Police, Gopalganj shows that no criminal case is pending against the petitioner either in the State of Bihar or within the territory of P.S Chinsurah, West Bengal. The petitioner is in custody since 02.03.2021. Chargesheet has already been submitted in this case, I am of the opinion that petitioner has prima facie made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 43 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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