

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38728 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- KARAI PARSURAI District- Nalanda

Pawan Kumar, S/O Vijay Yadav, R/o village- Nesara, P.S.- Karai Parsurai,
District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-02-2022 Heard the parties through video conferencing.

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, who is in custody since 10.02.2020,
seeks regular bail in connection with Karai Parsurai P.S. Case
No. 104 of 2020, registered for the offences punishable under
Sections 147, 148, 149, 115, 120(B), 341, 323, 504, 506, 447
and 302 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, in brief, is that the accused
persons named in the F.I.R. including the present petitioner
committed murder of the husband of the informant with a

common intention. There is a direct allegation against one Babloo Gope who is also named in the F.I.R. that he has fired pistol upon the deceased and deceased died on the spot.

Learned counsel appearing on behalf of the petitioner submits that there is no allegation of any assault against the petitioner rather he has been one of the members of the group against whom there is allegation of killing the informant's husband with a common intention. However, there is a direct allegation of assault against co-accused Babloo Gope who has committed murder of the husband of the informant by means of pistol as a result of which, her husband died. He further submits that from the seizure list it also appears that only one empty cartridge was recovered from the place of occurrence which also rules out the involvement of the petitioner in the present case. He further submits that co-accused namely, Kunal Kumar @ Kunal Yadav has already been granted regular bail by this Court in Cr. Misc. Case No. 43929 of 2021 vide order dated 02.02.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that all the accused persons named in the F.I.R. with a common intention, committed the murder of the husband of the informant in which

one of the co-accused has assaulted with the fire-arm which hit the husband of the informant who died on the spot as such the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, petitioner has clean antecedent, he has been named in the present case due to enmity and there being direct allegation against one co-accused namely, Babloo Gope of firing upon the husband of the informant who died on the spot and the said fact is also supported by the seizure list, and is supported by the postmortem report where the opinion of the doctor is the death is due to bullet injury, also from perusal of the impugned order it appears that the character of the evidence and circumstances are peculiar to the petitioner, there is no allegation of tampering the evidence or influencing the witnesses, there is general and omnibus allegation against the petitioner and trial is not likely to be concluded soon due to Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No. 104 of 2020, 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.

(Purnendu Singh, J)

ravishankar/-

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