

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30712 of 2022

Arising Out of PS. Case No.-251 Year-2016 Thana- AHIYAPUR District- Muzaffarpur

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Pramod Kumar Pankaj Sonof Late Narayan Paswan R/O- Vill-
Chakmohamad@ Chak Mohabbat, P.S.- Ahiyapur, Dist.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 251 of 2016 registered for the offences
under Sections 120(B), 302 of the Indian Penal Code and 27 of
the Arms Act.

As per the prosecution's story the deceased was
married to the daughter of this petitioner regarding which a case
was lodged and in following with the direction of the Court the
petitioner's daughter was residing with the deceased as his wife
due to which there was no good relation between the petitioner



and the informant's family and as per the allegation on the alleged date and time of occurrence the accused persons were moving around the house of the informant and then the victim was called by his friend namely Rohit Kumar @ Sunny through a phone call and then the victim went out and after that the informant heard some noise and she came out and saw the petitioner holding a pistol and according to the informant he murdered her son.

The main submissions advanced by learned counsel Mr. Ranjit Kumar Thakur for the petitioner are that the petitioner has got no criminal antecedent and in actual the informant is not an eye witness and the allegation made in the FIR is general and omnibus against the petitioner and only suspicion has been raised by the informant in the FIR and two similarly situated co-accused persons have been granted anticipatory bail by different benches of this Court vide orders passed in Cr. Misc. No. 70754 of 2018 and 74292 of 2018. Further submission is that the deceased was himself a criminal and was accused in so many cases and having inimical terms with many persons.

Learned APP Mr. Tapeswar Sharma appearing for the State has opposed the bail prayer.



Heard both the sides and perused the FIR. As per allegation made in the FIR the petitioner appears to be the main accused of this case and the informant claimed herself to have seen this petitioner equipped with a pistol at the place of alleged occurrence and according to her statement made in the FIR the petitioner killed his son by inflicting fire-arm injury. The FIR goes to show that there was no good relation between the petitioner and the informant's son on account of the marriage of the petitioner's daughter with the deceased. The allegation made against the petitioner in the FIR appears to be more serious than co-accused persons who are on bail, accordingly the petitioner's case does not stand on similar footing with the said co-accused persons. In the light of these facts and mainly considering the seriousness of the allegation appearing against the petitioner this Court is not inclined to grant privilege of bail to the petitioner. Accordingly, his bail prayer stands rejected.

The trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same within 12 months from today. If the trial is not concluded within the stipulated period then the petitioner may renew his bail prayer. Petitioner is also given a liberty to renew his bail prayer after the examination of private prosecution witnesses and the said



liberty can be availed by him before the trial Court. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J.)

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