

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41659 of 2021

Arising Out of PS. Case No.-307 Year-2018 Thana- WARISNAGAR District- Samastipur

Pankaj Kumar, S/o- Surydev Mahto, R/o Village- Chandopatti (Rudauli), P.S.-
Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Warisnagar P.S. Case No. 302 of 2018 registered for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner shot dead the son of the informant.

The learned counsel for the petitioner submits that the petitioner was not seen either by the informant or any other person at the place of occurrence. The other co-accused persons, namely,



Lalo Mahto and Sudhir Kumar Mahto have been granted bail by the learned court below itself. The petitioner is having one criminal case pending against him in which he is on bail. The petitioner is in custody since 25.12.2020.

Learned APP vehemently opposes the prayer for bail submitting that the witnesses in paragraph nos. 8, 9, 10 and 51 of the main case diary have supported the prosecution case. The witness in paragraph 51 is an eye-witness to the occurrence, who has stated about this petitioner firing upon the son of the informant with his pistol. The post mortem report shows death due to firearm injury.

Perused the records.

Having regard to the fact that there is direct and specific allegation against this petitioner and there is also statement of witness, who has seen the occurrence, I am not inclined to grant bail to the petitioner.

Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Arun Kumar Jha, J)

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