

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35331 of 2022**

Arising Out of PS. Case No.-70 Year-2020 Thana- BELAGANJ District- Gaya

1. Pankaj Das Son Of Rajkumar Das Resident Of Village- Sakir Bigha, Tola Nimchak, P.S.- Belaganj, District- Gaya
2. Sanjit Das @ Sujit Das @ Sanjeet Das Son Of Ganesh Das Resident Of Village- Sakir Bigha, Tola Nimchak, P.S.- Belaganj, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard Mr. Manish Kumar No. 2, learned counsel for the petitioner and Mr. Rajendra Singh Shastri, learned APP for the State.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case is registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act, in connection with Belaganj P.S. Case No. 70 of 2020.

As per the prosecution story, the informant has alleged that he was sitting near his door with his family members, when it is alleged that accused Pankaj Das, the petitioner no.1 herein came with pistol and further allegation is of opening fire causing injury on his chest. When the wife of



Mithilesh Yadav came to his rescue, it is alleged that Chunchun Das assaulted by butt of rifle causing injury on his right hand. The further allegation is that Satan and Prem gave sword blow as also 'lathi' blow to her.

Learned counsel for the petitioners submit that so far as the petitioner No. 2 is concerned, only his presence has been shown at the place of occurrence and no role has been attributed to him. Regarding the petitioner No. 1 although, the allegation has been made grave by alleging firing on the chest of the informant, a perusal of injury report would show that the doctor has opined the injuries by hard and blunt substance. He further submits that petitioner are in custody since 25.2.2022.

Taking into account the aforesaid facts that the allegation of assault on petitioner No. 1 does not match the injury report, this Court is inclined to grant him bail after framing of charges.

Let the petitioner No. 1 be released on bail after framing of charges on the same terms and conditions as incorporated herein-below.

So far as the petitioner no.2 is concerned, in view of the fact that his name has only cropped up as the person to be present at the place of occurrence and no role has been



attributed to him, this Court is inclined to release him on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya, in connection with Belaganj P.S. Case No. 70 of 2020 subject to the following conditions in the case of petitioner no.2:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

So far as petitioner no.1 is concerned, the following conditions are imposed:

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till conclusion of trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/Ajay Singh

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