

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45313 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- JANDAHA District- Vaishali

PANKAJ KUMAR @ PANKAJ KUMAR RATHORE Son of Satish Singh
Resident of Village- Bahsi Saidpur, P.s.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 04.04.2021, seeks
regular bail in connection with Jandaha P.S. Case No. 72 of
2021 dated 01.04.2021 registered for offences punishable under
Sections 147, 148, 149, 447, 323, 325, 307, 385, 379, 504, 506
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that 8 to 10 persons
armed with weapon came at the house of the informant where
they demanded Rs. 50,000/- and in course of resistance, all the
accused persons named in the FIR had assaulted with an
intention to kill Suresh Rai, who had sustained injury on his



head and later on succumbed to injury in course of treatment.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner. There is direct allegation against co-accused Abhijit Singh who had assaulted the deceased by means of iron rod on his head and Mukesh Kumar Singh had assaulted the informant. There is case and counter case between the parties. In course of the said incidence, the present petitioner has also sustained injury on his head. Petitioner party has also lodged and FIR bearing Jandaha P.S. Case No. 73 of 2021. To substantiate the fact that the petitioner had too sustained injury, by way of 'Annexure-3', the petitioner has brought on record the NCCT of brain where the doctor has found swelling along right parietal convexity of the brain. It is specific submission of the petitioner that no overt act has been committed by him and due to enmity, he has been dragged in the present case. Petitioner has clean antecedent and he is in custody since 04.04.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner's complicity in the murder of the Suresh Rai cannot be ruled out and as such he does not deserve to be enlarged on bail.

Having heard the rival submissions of the parties,



from bare perusal of the FIR it appears that no overt act has been alleged against the petitioner rather it has been specifically alleged that Suresh Rai (deceased) sustained injury which was inflicted upon him by Vikash Singh and Abhijit Kumar. Petitioner has brought on record that in course of the said incidence, he has sustained injuries on his head and has also undergone treatment for the same. Prima facie petitioner has made out a case to be enlarged on bail.

The Court below is directed to enlarge the petitioner above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Jandaha P.S. Case No. 72 of 2021 dated 01.04.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(iii) 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.



(iv) 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 bond.

(Purnendu Singh, J)

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