

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36774 of 2022

Arising Out of PS. Case No.-257 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Prasun Pankaj @ Parsoon Pankaj Son of Kedar Nath Thakur Resident of
Village-Barail, P.S.-Supaul, Distt.-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Siwan Muffasil P.S. Case No. 257 of 2020 lodged under
Sections 302 and 120B/34 of the I.P.C.

As per prosecution, the allegation is that one accused
Priyatam Kumar Mishra has talked with the informant on his
mobile no. and informed him that his son is no more. Upon
further enquiry he informed to the informant that there was
party going on in the flat in which three accused persons were
present and they were enjoying the party in the said party they
also consumed wine and started discussing with each other and

after hot discussion, the petitioner has called the other friends who assaulted the deceased, in result deceased was brutally injured. Upon which the compounder was called but after primary treatment he was declared dead.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that from the content of the F.I.R. itself it transpires that all the three friends were not in the normal state of mind and they also consumed wine which was subsequently resulted into open fight and in the state of anger the petitioner called 2 to 3 persons which resulted into unfortunate event. Learned counsel further submits that petitioner is in custody since 21.02.2022 and charge-sheet has already been filed in this case. He also submits that the person on whose offer this party was arranged has already been granted bail by the Co-ordinate Bench of this Court vide order dated 10.02.2022 passed in Cr. Misc. No. 38672 of 2021.

Upon specific query whether charge has been framed or not in this case, learned counsel submits that as per his knowledge charge has not been framed.

Learned counsel for the State opposes the prayer for bail and submits that petitioner may not be allowed bail before

framing of charge in the present case.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail petition is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after 1 month of framing of charge and the Trial Court is directed to release the petitioner on bail after imposing its own condition so that petitioner may not evade his appearance during trial.

(Dr. Anshuman, J.)

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