

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40272 of 2022

Arising Out of PS. Case No.-474 Year-2016 Thana- AMARPUR District- Banka

Vijay Panjiyara Son of Late Rajendra Panjiyara Resident of village -
Nagardih, P.S.- Fullidumar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Mr. Sourendra Pandey, learned counsel for the petitioner
and Shailendra Kumar, learned APP for the State are present.

Petitioner seeks regular bail in connection with Amarpur
P.S. case no. 474 of 2016 registered for the offences punishable
under Section 147, 148, 149, 302, 307 of the Indian Penal Code
and Section 27 of the Arms Act read with Section 3 and 4 of
Explosive Substance Act.

As per the allegation, on the alleged day and time of
occurrence the petitioner along with other co-accused persons
surrounded the house of the informant and opened fire
haphazardly and hurled bombs at the informant's house. Further, it



is alleged that the informant saw his agnate namely Jagdambi Panjiyara, firing at the informant's cousin brother, who in consequence died at the spot and another accused person namely Julmi Panjiyara fired at the informant due to which he sustained two bullet injuries at his hand.

The main submissions advanced by Mr. Sourendra Pandey, learned counsel for the petitioner are that altogether 24 named persons and more than 50 persons who were not named in the FIR, are alleged to have committed the alleged occurrence of murder and attempt to murder and the petitioner is simply named in the FIR but against him there is no specific allegation and his specific role in the commission of the alleged occurrence has not been revealed in the FIR. Further submission is that against the petitioner there is criminal antecedent of four cases which were also lodged by the prosecution side and both the parties are agnates and in between them, there is a land dispute and owing to the said dispute the petitioner has falsely been implicated in the present case. Further submission is that one co-accused namely Julmi who is carrying a specific allegation of firing has been granted bail by co-ordinate bench of this Court vide order passed in Cr. Misc. No. 61943 of 2018 and two similarly situated co-accused persons namely Haribole Panjiyara and Bajrang Panjiyara have also been granted bail by a co-ordinate bench of this Court



vide order passed in Cr. Misc. No. 63058 of 2021 and seventy to eighty persons are alleged to have committed the alleged occurrence. Further submission is that petitioner has been languishing in jail since 18.5.2022.

Mr. Shailendra Kumar, learned APP has opposed the prayer for bail.

In view of the above submissions and mainly considering the facts that one co-accused namely Julmi Panjiyara carrying specific allegation of firing has been granted bail by co-ordinate bench of this Court and two similarly situated co-accused persons have also been granted bail by co-ordinate bench of this Court vide order passed in above mentioned Cr. Misc. cases and seventy to eighty persons are alleged to have committed the alleged occurrence of murder and attempt to murder and admittedly in between the parties there was a land dispute at the time of alleged occurrence and the petitioner's specific role in the alleged occurrence has not been revealed in the FIR, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Amarapur P.S. case No. 474 of 2016 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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