

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50872 of 2021

Arising Out of PS. Case No.-754 Year-2018 Thana- DANAPUR District- Patna

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Pappu Hansda @ Pappu Hasda, Son of Budhan Hansda @ Budhan Hasda,
Resident of Village - Shyampur, Chandpur, Shampur, P.S.- Haweli Kharagpur,
Dist. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-03-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail, who is in custody in

connection with Danapur P.S. Case No. 754 of 2018 for the

offence under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the petitioner and co-

accused (Sanjay Basera) was sleeping with the deceased inside

the shop. In the next morning, the informant went to the shop,

knocked the gate and shutter but no reply came from inside the

room, then information was given to the police whereupon the



police reached at the place of occurrence and when the gate was opened, co-accused Sanjay Besara was found to be in injured condition and the head of Sunil Kumar Marandi was cut by sharp edge weapon. It is alleged that this petitioner along with co-accused Sanjay Besara committed the murder of the deceased.

Learned counsel for the petitioner submitted that the informant was not an eye witness to the alleged occurrence and the injured (co-accused) has confessed before the police that in the fit of rage and due to black magic he killed Sunil Kumar Marandi. It is further submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and he is in custody since 05.02.2021. Charge-sheet has already been submitted. It is further submitted on behalf of the petitioner that co-accused against whom there is allegation of murder, namely, Sanjay Basera @ Sanjay Besara, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 64174 of 2019 vide order dated 31.01.2020 (Annexure-3).

Learned APP for the State opposes the bail application.

Considering the submissions made on behalf of the petitioner and taking into account the fact that the co-accused



Sanjay Basera @ Sanjay Besara has already been granted bail by a co-ordinate Bench of this Court, who confessed before the police that he committed the murder of the deceased, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Danapur in connection with Danapur P.S. Case No. 754 of 2018 with the following conditions:

(a) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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