

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51626 of 2021

Arising Out of PS. Case No.-204 Year-2019 Thana- PATEPUR District- Vaishali

JAGDISH PANJIYAR Son of Yogendra Panjiyar Resident of Village -
Bhagwanpur Kainju, P.S. - Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate.
For the State : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-08-2022 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 Mr. Shanti Bhushan Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Patepur P. S. Case No. 204 of 2019
registered for the offences punishable under Sections 302 read
with 34 of the Indian Penal Code and Section 27 of the Arms
Act.

Earlier pursuant to the order of this Court, notice was
issued to the opposite party no. 2 and from the office report, it



appears that same has been validly served, however, no-one appears on behalf of the opposite party no. 2.

As per the prosecution case, it is alleged that while to son of the informant Punit Paswan was sleeping in the night after taking meal, the informant woke up after hearing the sound of firearm and saw that 4-5 miscreants were fleeing away from her house. It is further alleged that the informant saw that her son had already died and lying in pool of blood. It is also alleged that 5 to 7 days ago, the petitioner had threatened to her younger son Vijay Kumar that he would shot Punit Paswan. The petitioner and co-accused are members of one gang and they are criminals and it is they who shot her son dead.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not an eye-witness to the alleged occurrence and the only material against the petitioner is that 5 to 7 days prior to the alleged occurrence, this petitioner had threatened the brother of the deceased for dire consequences. It is next submitted that other co-accused persons, namely, Ajay Rai and Ranjet Rai against whom there is more or less identical allegation, they have already been enlarged on bail in Cr. Misc. No. 14712 of 2020 and Cr. Misc. No. 1569 of 2020 vide order dated 02.03.2020 and 23.01.2020



respectively. It is next submitted that during the course of investigation, no independent witness have supported the prosecution case and moreover, this petitioner is in custody since 23.03.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation independent witnesses have categorically stated that just prior to the alleged occurrence the petitioner and other accused persons had threatened the son of the informant with dire consequences and the petitioner and others by hatching a conspiracy killed the deceased. It is also submitted that this petitioner is named in two other criminal cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the informant is not an eye-witness to the alleged occurrence and save and except the suspicion that too on account of the fact that 5 to 7 days earlier this petitioner had threatened the brother of the informant, there is no other material, which suggests the complicity of the petitioner in this crime and moreover, other co-accused persons having more or less identical allegation have been granted bail by learned co-ordinate Bench of this Hon'ble



Court, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate -3rd, Vaishali at Hajipur in connection with Patepur P. S. Case No. 204 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancelling of bail bond of the
petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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