

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56377 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- SINGHWARA District- Darbhanga

Vikash Ranjan Pandey @ Golu Pandey S/O Ramesh Pandey R/O Village-Kora, P.S-Sighwara, District-Darbhangha.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. B.N. Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Singhwara P.S. Case No. 143 of 2020 registered for the offences punishable under Section 302 of the Indian Penal Code. He is in custody since 10.03.2021. The petitioner has one criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that in this case, the deceased happened to be the husband of the informant. The deceased had left his house with his friend Ganaur Sahni and others on 13.08.2020 at about 10:00 P.M. On 14.08.2020 at



about 08:00 P.M., the informant who was in her *maika* got a telephonic message that her husband has been murdered by unknown criminals. On this information, the informant came and thereafter the FIR was lodged.

Learned counsel for the petitioner submits that 5 days after the alleged occurrence Ganaur Sahni made a statement before police that while he was going with the deceased, four miscreants had surrounded him and one of them, namely, Balkrisham Thakur @ Balaji had fired the fatal shot which hit the husband of the informant and he died. It is submitted that from the FIR itself it appears that Ganaur Sahnni had not disclosed this fact to the informant at the earliest opportunity. The FIR was lodged on the next day at 08:00 A.M. still the informant says that some unknown criminals had allegedly killed her husband. This would throw a grave doubt on the veracity of the statement of Ganaur Sahni.

Learned counsel further submits that in order to explain the delay of 5 days Ganaur Sahni has come out with an allegation that this petitioner had threatened him on the next date but even if that is allowed to be argued, at this stage, one may submit that nobody had stopped Ganaur Sahni from disclosing the fact as to killing of the husband of the informant



during the night hours and till the morning when the FIR was lodged. It is, thus, his submission that Ganaur Sahni has been introduced as an eye-witness at a belated stage.

Learned counsel further submits that the co-accused Madhav Thakur against whom Ganaur Sahni had alleged that he had fired upon him has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 44441 of 2021 vide order dated 22.02.2022. It is, thus, his submission that in any case, the case of the petitioner stands on equal footing with that of Madhav Thakur.

Mr. Pandey, learned APP for the State has opposed the prayer for bail of the petitioner. He has pointed out the statements of Ganaur Sahni recorded in the case diary but does not dispute that the statement has been recorded 5 days after the alleged occurrence and further that co-accused similarly situated has been granted bail by a learned Co-ordinate Bench of this Court.

Having regard to the materials noticed hereinabove and upon finding that the petitioner is not named in the FIR even as Ganaur Sahni is said to be a witness who was present with the deceased the FIR has been lodged against unknown and the co-accused similarly situated has been granted bail, this



Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Darbhanga in connection with Singhwara P.S. Case No. 143 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

