

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51642 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- PARWALPUR District- Nalanda

Pankaj Singh Prasad Shahi, Son of Late Shiv Prasad Shahi, Resident of
Village- Alawan, Police Station- Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
		Mr. Rakesh Kumar Shrivastava, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Kant Singh, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Parwalpur P.S. Case No. 52 of 2022 registered for the offences punishable under Sections 147, 148, 149, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the written report of the informant alleging therein that on 19.03.2022, at about 12.30 PM, while the informant and others were taking lunch, in the



meantime, all the seventeen F.I.R. named accused persons armed with weapons rushed to the house of the informant and started assaulting the members of the informant. It is specifically alleged that co-accused Diwesh Kumar Sharma, son of late Karu Sharma fired upon the wife of the informant and another Diwesh Kumar, son of Kauslendra Kumar fired upon Pushpa Devi causing their death. Further Nagendra Sharma @ Gonu Singh caused fire-arm injury to Rajendra Rawat. It is also alleged that the petitioner and other co-accused persons in furtherance of common intention have committed the death of two persons and assaulted all the family members of the informant.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that specific allegation has been levelled against Diwesh Kumar Sharma son of late Karu Sharma and another Diwesh Kumar son of Kauslendra Kumar as well as Nagendra Sharma @ Gonu Singh, but no specific allegation has been levelled against this petitioner. He further submits that only because of the fact that the petitioner is a man of repute, his name has been implicated in this case, though there is no specific allegation that he ever fired upon any of the family members of the informant. He further submits that



the petitioner, having fair antecedent, is in custody since 20.03.2022 and moreover the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that from the F.I.R. it is evident that all the accused persons, including the petitioner, rushed to the house of the informant and they had participated in causing the death of two of the family members.

Regard being had to the submissions made on behalf of the parties and considering the fact that specific allegation of firing has been levelled against three of the accused persons and so far the petitioner is concerned, save and except the member of the mob, there is no specific allegation against him, apart from the fact that the investigation of the crime is already complete and he is in custody since 20.03.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Parwalpur P.S. Case No. 52 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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.

(Harish Kumar, J)

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