

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63808 of 2021

Arising Out of PS. Case No.-357 Year-2016 Thana- AMARPUR District- Banka

1. HARIBOLE PANJIARA S/o Late Mahendra Panjiyara Resident of Village- Nagrdih, P.S.- Amarpur (Fullidumar), Distt- Banka.
2. Bajrangi Panjiyara Son of Rajendra Panjiyara Resident of Village- Nagardih, P.S.- Amarpur (Fullidumar), Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-09-2022 Learned counsel for the petitioners is permitted to make necessary correction in the name of petitioner no. 2 during course of the day.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Amarpur (Fullidumar) P.S. Case No. 357 of 2016 registered for the offences punishable under Sections 147, 148, 149, 506, 302 of the Indian Penal Code.

As per prosecution case, petitioner and others



surrounded the informant's father-in-law and caught hold the informant and upon the instigation of co-accused Dayanand Panjiara, co-accused Anil Panjiara shot on the head of informant's father-in-law. It is further alleged that co-accused Nawal Panjiara shot at his back. Thereafter, co-accused Dilip Panjiara and Jagdambi Panjiara also shot at him as a result of which he died.

Learned counsel for the petitioners submits that petitioners are in custody since 22.09.2021. He further submits that petitioner no. 1 has four criminal antecedent and petitioner no. 2 has three criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific allegation of any overt-act against the petitioners rather the same is general and omnibus in nature. He further submits that co-accused Dayanand Panjiara who is alleged to be order giver has already been granted bail vide Cr. Misc. No. 72481 of 2019. Co-accused Bipin Panjiyara on similar allegation has been granted bail vide Cr. Misc. No. 64926 of 2019.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 357 of 2016 corresponding to G.R. No. 2443 of 2016 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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



(iv) If the petitioners are found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel the bail bond.

(Alok Kumar Pandey, J)

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