

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67468 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- KARAHGAR District- Rohtas

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Dhanjee Pandey @ Dhananjay Pandey Son of Ram Narayan Pandey Resident
of Village- Karup, P.S.- Kargahar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kargahar
P.S. Case No. 126 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.04.2021.

The allegation against the petitioner is to commit



murder of father of the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and in the present case, name of the petitioner surfaced on the basis of police spy, consequent upon, remanded in the present case from Kargahar P.S. Case No. 168 of 2017. It is also submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner with the present set of occurrence. It is further submitted that, admittedly, informant is not the eye witness of the occurrence and petitioner is named in this case only due to his criminal antecedents. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner with the present set of occurrence in furtherance of self confession



coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kargahar P.S. Case No. 126 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Ram Narayan Pandey, who is the father of
the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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