

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70088 of 2021

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Pankaj Kumar Sinha @ Pankaj Kumar @ Pappu Jee S/o Ganga Prasad Sinha
R/o Mohalla- Shastri Nagar, P.S.- Sadar, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard Mr. Sanjeev Ranjan, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP
for the State.

The petitioner is in judicial custody in connection
with Laherisarai P.S. Case No. 367 of 2021 registeed under
section 302 and 34 of the Indian Penal Code.

The allegation in the FIR is that the deceased was
working as labour under the petitioner who is a contractor.
It is alleged in the FIR that there was a theft of a cycle
from the working site and the contractor and other labourers
attributed the said theft to the deceased. Accordingly, he
was mercilessly beaten up, later taken to the hospital with
multiple injuries where he finally succumbed to the said



injuries. The FIR was lodged against the contractor, the petitioner herein as also the other named accused persons and it is in this way that the petitioner is in jail since 28.7.2021 (as stated in para-11 of the bail application).

Learned counsel for the petitioner submits that he being a contractor, the suspicion of theft followed by the beating of the deceased being done by accused persons who were present there and only because he was heading the said labour force, his name has been dragged in the FIR. He further submits that he was at the bed side of the deceased when he breathed his last as would reflect from the FIR itself. He further submits that the petitioner has no criminal antecedent. He lastly submits that considering the fact that a person who was working under him has died, wants to help the family by making payment of Rs. 30,000/- (thirty thousand) to the deceased's family through Demand Draft issued by the local State Bank of India in favour of his wife and/or the dependents of the deceased irrespective of the result of this bail application. He undertakes to do so before the learned court below.

Considering the fact that an omnibus allegation has been levelled against the petitioner herein as also that



the FIR reflects that he was present at the bed side of the deceased when he breathed his last; has no criminal antecedent and is in jail since 28.7.2021; this Court is inclined to grant him the privilege of bail subject to the payment as per the undertaking that the counsel for the petitioner has given that Rs. 30000/- help will be made to the deceased's family through the Demand Draft issued by the local State Bank of India which shall be deposited in the learned court below and to be handed over to the deceased's wife.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Laherisarai P.S. Case No. 367 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his



cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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