

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1842 of 2022

Arising Out of PS. Case No.-1024 Year-2020 Thana- BANKA District- Banka

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PANKAJ MANDAL @ PANKAJ KUMAR MANDAL Son of Nandkishore
Mandal @ Ishwar Mandal Resident of Village - Raghapur, P.s.- Parbatta,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 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 Banka
P.S. Case No. 1024 of 2020 registered for the offence under
Sections 302, 34 and 396 of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.12.2020.

The allegation against the petitioner is to commit
murder of the informant by causing firm-arm injury, while
committing dacoity, along with other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that apparently informant is not the eye witness of the occurrence, where name of the petitioner surfaced on the basis of disclosure made by co-accused person, namely, Chhotu Sharma. It is submitted that in furtherance of disclosure self-confession was also obtained during course of investigation. It is further submitted that save and except disclosure and self-confession, nothing incriminating material surfaced/recovered during course of investigation which may connect petitioner, *prima facie*, with present set of occurrence. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced during course of investigation to connect petitioner, *prima facie*, with the alleged occurrence, in furtherance of the disclosure made by co-accused coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Banka P.S. Case No. 1024 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 Chief Judicial Magistrate, Banka/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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