

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2214 of 2023

Arising Out of PS. Case No.-417 Year-2019 Thana- SARAI District- Vaishali

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Pankaj Kumar @ Pankaj Yadav Son Of Laxman Rai R/O Village- Phulwaria,
P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that that informant alleged that while his brother was returning home after discharging his duty, he was committed murder near house of Deo Narayan Rai. The informant suspects that Mahesh Thakur has killed his brother because he wanted to marry his daughter with informant's brother forcibly.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The



petitioner is not named in FIR rather he has falsely been implicated in this case merely on suspicion. The petitioner has no concern with the alleged offence and his name has been transpired in his case on the basis of confession made by co-accused Manish Kumar before the police, which has got no evidentiary value in the eye of law. Moreover, the FIR named Mahesh Thakur has already been granted bail by a co-ordinate Bench of this Court vide order 2.11.2020 passed in Cr. Misc. No. 28111 of 2020 and the case of the petitioner stands on better footing to that of the co-accused. It is further submitted that the petitioner is languishing in judicial custody since 13.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarai P.S. Case No. 417 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-15th-cum-Sub-



Judge 12th , Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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