

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8001 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- NATHNAGAR District- Bhagalpur

PANKAJ YADAV, Son of Jamun Yadav, Resident of Village- Sardarpur, P.S.-
Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 18-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 158 of 2021 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation that the informant's son has been shot dead by co-accused persons namely Deep Narayan Mandal, Ganesh Mandal, Kari Devi, Nanda Mandal and Pankaj Mandal. The motive has been assigned by the prosecution as subsisting land dispute between the informant and Deep Narayan Mandal as well as Ganesh Mandal.

Learned counsel for the petitioner submits that on account of his antecedents in three cases, as per disclosure made in paragraph 3 of the bail petition, he has been dragged in this case, based on alleged statement of co-accused Nanda Mandal. The petitioner under such circumstances is in custody since 22.06.2021 in connection with this case. Nanda Mandal has already been allowed bail in *Cr. Misc No. 48640 of 2021*. Co-accused Ganesh Mandal against whom also



there is specific allegation in the FIR has also been allowed bail in *Cr. Misc. No. 53359 of 2021*.

Learned APP for the State has opposed the prayer for bail. However, he is not in a position to dispute the fact of grant of bail to other co-accused persons.

Having regard to the nature of petitioner's accusations, his claim based on parity and his custody, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IX, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P. S. Case No. 158 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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