

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17821 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- BARHIYA District- Lakhisarai

PANKAJ KUMAR @ PANKAJ SINGH Son of - Balram Singh Resident of
Village - Lal Diyara, P.S. - Pipariya, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate Mr. Surendra Kumar Singh, Advocate
For the APP	:	Mr. Prem Kumar Jha, APP
For the Informant	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 11-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307, 120B and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

As per the prosecution case, it is stated that the informant received information about the accused persons having shot and injured both Samarjeet Kumar and Pinku Kumar and in the said occurrence Samarjeet Kumar died. The informant further states that he is convinced that the three named accused persons including the petitioner herein have a hand in the occurrence.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case for reasons which would be evident from the F.I.R. itself. From perusal of the statement of the injured Pinku Kumar recorded in course of investigation, although he has named the petitioner in his statement, but he has not made any direct allegation of overt act against him. The petitioner is in custody since 7.1.2022 and charge-sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R but substantial material has transpired in course of investigation to connect the petitioner with the alleged crime, which is as a result of prior enmity between the parties.

Heard learned counsel for the parties. The injured witness Pinku Kumar in his statement recorded under section 161 Cr.P.C., although he names the petitioner, he categorically states that Badal Kumar along with two others whom he can identify on seeing them again are the assailant of the deceased. As such the petitioner is directed to be enlarged on bail in connection with Barahiya P.S. Case no. 309 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Lakhisarai.

(Partha Sarthy, J)

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