

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22372 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- HILSA District- Nalanda

PANKAJ KUMAR @ SANNI son of Binay Prasad Resident of Village -
Bahari Dhawalpura,P.S. By Pass District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Hilsa P.S. Case No. 494/2021, registered for the offence punishable under Sections 394/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding two unknown persons having intercepted the informant, who is a delivery boy of Flip kart Company, when he was going to deliver the articles, whereafter, they had snatched his bag and mobile phone and when he had resisted, one of them had fired gunshot on the chest of the informant, resulting in the



informant sustaining injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 22.10.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases, but he has been remanded in all the said three cases only after being arrested in the present case. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and no Test Identification Parade has been held so as to connect the petitioner with the alleged crime. It is also submitted that the articles, seized from the house of the petitioner, which are stated to be stolen articles, are in fact not the ones which were looted from the informant of the present case inasmuch as the said articles have not been identified to be looted articles since no Test Identification Parade of the same has taken place till date.



Nonetheless, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that a bare perusal of the case diary, more particularly the supervision note of the Sub-Divisional Police Officer, Hilsa dated 27.10.2021 would show that the petitioner is the person, who had fired gunshot on the informant and upon him disclosing about the whereabouts of the looted bag, the same was recovered from a canal situated near the Hilsa railway station on which e-cart logistic was inscribed. Hence, it is submitted that the petitioner is the main accused person of the present case and is having complicity in the alleged occurrence.

I have heard the learned counsel for the parties and considered the materials available on record, apart from having perused the case diary in question from which it is apparent that



during the course of investigation, though ample materials have been collected against the petitioner, however, till date, neither the Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor the identification parade of the articles, recovered from the house of the petitioner, alleged to be looted articles, has been carried out so as to implicate the petitioner in the alleged crime, hence I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Additional Chief Judicial Magistrate, Nalanda in connection with Hilsa P.S.Case No. 494 of 2021.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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