

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22028 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- AGIAON District- Bhojpur

Pankaj Kumar S/O Pradeep Kumar Singh, Resident of Village- Chhapra Tola
Semraon, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Ms. Sweta Kumari, Advocate Mr. Jata Shankar Jha, Advocate Mr. Masoom Alam, Advocate
For the Opposite Party/s :		Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Agiaon(G) P.S. Case No. 05 of 2022 dated 20.01.2022, instituted
for the offence punishable under Section 302/34 of the Indian
Penal Code and 27 Arms Act.

3. The prosecution case, in short, is that the informant
heard sound of firing while attending the call of the nature and ran
towards the road, he saw his brother lying in pool of blood with
gun shot injury. He also saw three persons fleeing in different
directions. His brother subsequently succumbed to the injuries.
However, shortly thereafter he has named three persons in his
further statement which includes the name of the petitioner as



well.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner. Learned counsel for the petitioner further submits that the petitioner is not named in the F.I.R. and F.I.R. has been lodged against the three unknown persons. Only on the ground that he had once threatened the deceased on the issue of cultural programme having been organized in the village, some of the witnesses have raised suspicion about his complicity in this case. Learned counsel for the petitioner further submits that if the informant had seen the petitioner as one of the miscreants running away from the place of the occurrence, he should have named in first instance. Naming the petitioner in his further statement, makes the veracity of the statement of the informant highly suspect. Learned counsel for the petitioner further submits that similarly situated other co-accused Rakesh Mahto @ Arju Virat and Sonu Kumar Yadav @ Sonu Kumar have already been granted bail by different Co-ordinate Benches of this Court vide order dated 02.09.2022 in Criminal Miscellaneous No. 28390 of 2022 and vide order dated 28.11.2022 in Criminal Miscellaneous No. 46722 of 2022 respectively. Lastly, it has been submitted that the petitioner is in



custody since 26.01.2023 having no criminal antecedent. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Bhojpur Ara, in Agiaon(G) P.S. Case No. 05 of 2022.

(Khatim Reza, J)

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