

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29302 of 2023

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Pappu Khandelwal @ Dinesh Khandelwal @ Dinesh Kumar Khandelwal Son
Of Late Pashupati Khandelwal @ Pashupati Nath Khandelwal R/O Village-
Harsidhi, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the Informant	:	Mr. Shashwant Sachina, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
10.02.2023, in connection with Harsidhi P.S. Case No. 386 of
2021, F.I.R. dated 25.09.2021 registered for the offences
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is alleged that two
unknown miscreants boarded on motorcycle started firing on the
son of the informant indiscriminately and due to which his son
sustained four pellet injuries and became injured and fell down
on the ground. The informant's son died on the way to hospital.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Sachin Kumar and also other co-accused persons namely Manish Kumar Patel, Abhimanyu Kumar and Ajay Kumar and except the confessional statement of co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons namely Heera Agrawal, Gautam Kumar Agrawal @ Gautam Kumar @ Dubli Agrawal and Pramod Agarwal @ Pramod Kumar Agrawal have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 27.09.2022 passed in Cr. Misc. No. 19111 of 20202 and its analogous cases, another co-accused person namely Kindeev Prasad has been granted bail by a Coordinate Bench of this court vide order dated 31.08.2022 passed in Cr. Misc. No. 26736 of 2022, another co-accused person namely Abhimanyu Singh has been granted bail by a Coordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 26859 of 2022, another co-accused person namely Rajesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 17.08.2022 passed in Cr. Misc. No. 24962 of 2022 respectively. He further



submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.02.2023.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 386 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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