

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33789 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- BARHIYA District- Lakhisarai

PANKAJ SINGH @ PANKAJ KUMAR son of Late Kedar Singh Village-
Indupur, Ps- Barahiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34203 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- BARHIYA District- Lakhisarai

SANTOSH KUMAR son of Late Kedar Singh Village- Indupur Ps- Barahiya
Dist- lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33789 of 2023)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

For the informant : Mr. Santosh Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 34203 of 2023)

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

For the informant : Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023

IN CR. MISC. NO. 33789 OF 2023

Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Barahiya
P.S. Case No. 261 of 2022 registered for the offence under
Sections 302, 120B/34, 506 and 379 of the Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 29.11.2022.

The allegation against the petitioner is to commit murder of brother of informant along with other named and unknown co-accused persons, causing head injury, where, assault was caused by iron rod and occurrence is out of previous enmities out of land disputes.

Learned counsel appearing on behalf of the petitioner submitted that from the bare narration of FIR, it appears that this petitioner was equipped with firearm, but admittedly, no fire was alleged to be caused by this petitioner, which itself reflects intention of this petitioner that he was not under intention to cause death of informant/injured. It is submitted that just to aggravate the allegation, general and omnibus allegation as to cause fatal injuries was raised, subsequently against this petitioner, as per FIR. While concluding the argument, it is submitted that petitioner found involved in one more case, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Santosh Kumar, appearing on behalf of informant, while



opposing the prayer of bail, submitted that the petitioner actively participated in occurrence, causing death of brother of informant.

Considering the facts and circumstances as mentioned above, as allegation of firing is not available against this petitioner, despite of allegation that he was equipped with firearms, negating, *prima facie*, absence of his intention to cause death of informant/injured coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Barahiya P.S. Case No. 261 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kiul, Lakhisarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 34203 OF 2023

Heard learned counsel appearing on behalf of the parties.

Considering the submissions advanced by learned counsel appearing on behalf of the parties, let a legible copy of complete set of case diary along with injury report be called for



in connection with Barahiya P.S. Case No. 261 of 2022 from the court of learned Chief Judicial Magistrate, Kiul, Lakhisarai/concerned court, and same shall be made available to this Court, positively, on the next date of hearing.

Put up this case on 24.07.2023, retaining its position.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

