

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34119 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- JANTA BAZAR District- Saran

PUSHKAR PANDEY Son of Shashi Shekhar Pandey Resident of village -
Basahi, P.S.- Janta Bazar, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Janta Bazar P.S. Case No. 89 of 2022 (corresponding to S. Tr. No. 196 of 2023) registered for the offences punishable under Sections 307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, two unknown persons came on a motorcycle and fired upon the shop of the informant.

Learned counsel for the petitioner submits that petitioner has been remanded in the present case from Janta Bazar P.S. Case No. 97 of 2022 on 17.10.2022 since then he is in custody. Petitioner bears six criminal antecedents. Charge sheet has already been submitted in the case and there is no



likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. On the basis of confessional statement of co-accused Priyanshu Kumar Ojha name of present petitioner has been transpired in the present case. Except confessional statement of co-accused Priyanshu Kumar Ojha, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. No T.I.P. has been made uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge – XII, Saran at Chapra in connection with Janta Bazar P.S. Case No. 89 of 2022 (corresponding to S. Tr. No. 196 of 2023), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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