

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34676 of 2022

Arising Out of PS. Case No.-173 Year-2018 Thana- MATIHANI District- Begusarai

PANKAJ KUNWAR S/o Late Deo Narayan Kunwar R/o village- Shankarpur
Bakhadda, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Ms. Vaishnavi Singh, Adv.
For the State	:	Mr. Jagdhar Prasad, APP.
For the Informant/s	:	Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-03-2023 Heard learned senior counsel for the petitioner,
learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with
Matihani P.S. Case No. 173 of 2018 registered for the offences
punishable under Sections 302 and 120(B)/34 of the Indian
Penal Code and Section 27 of Arms Act.

Allegedly, this petitioner and two co-accused persons
fired at the father of the informant by using pistols, which
resulted in death of the informant's father.

The main submissions advanced by petitioner's senior
counsel are that the co-accused Gulshan Kumar carrying similar
nature of allegation like the petitioner has been granted bail and
the petitioner has been languishing in jail since 19.03.2020,



though against him, there are criminal antecedents of seven cases, in which he is on bail in six cases and in the seventh case he has been acquitted and two earlier versions made by the prosecution party were intentionally suppressed by the prosecution and the said two versions were made before making the Fardbeyan, on which basis the FIR was registered and in actual the police started the investigation much prior to recording of the Fardbeyan and admittedly there was a land dispute running in between the prosecution's side and the accused side and the son of the deceased was married to an agnate of the petitioner and neither in the FIR nor during investigation, any specific allegation was levelled against the petitioner.

Learned counsel appearing for the informant as well as learned APP appearing for the State has vehemently opposed the bail prayer and submitted that the petitioner is a serial killer as he has remained involved in four cases of heinous offences in which Matihani P.S. Case No. 61/2015 was registered under Section 302 and other allied Sections of the Indian Penal Code with an allegation of murder of petitioner's own brother's wife and his nephew and he is also accused in Maithani P.S. Case No. 29/2018 registered under Sections 504, 506, 509 and 341/34 of



I.P.C. and Section 27 of Arms Act and he eliminated the informant of Maithani P.S. Case No. 61/2015 registered under Section 302 and other offences of I.P.C. and Arms Act and in the said case, he was declared absconder by the Court concerned. Further submission is that the petitioner is a threat to the family of the informant as he has already murdered mother-in-law, father-in-law, brother-in-law and father of the informant.

Having considered the seriousness of the occurrence which relates to murder and the petitioner is named in the FIR and against him there is allegation of having fired at the informant's father, who sustained fire-arm injuries in the alleged firing made by this petitioner and co-accused persons and consequently he died and as per the FIR, the alleged occurrence was committed on account of enmity running in between the petitioner and the prosecution party and as per the FIR, the petitioner is accused in the murder of informant's father-in-law, mother-in-law and also accused in the murder of brother-in-law and in respect of that incidents of murders he is facing trial and as per the informant the petitioner made pressure upon the prosecution party to make compromise and threatened to face dire consequences if compromise was not made, in my opinion, in the light of the said allegations, the petitioner does not



deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

However, considering the petitioner's long judicial custody, he is given a liberty to renew his bail prayer after the examination of all the private prosecution witnesses in his trial and he may also renew his prayer for bail after one year from the date of this order if in the said period the private witnesses of the prosecution are not produced and examined by the prosecution in the trial of the petitioner in connection with the present matter.

(Shailendra Singh, J)

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