

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40838 of 2023**

Arising Out of PS. Case No.-181 Year-2021 Thana- KATORIYA District- Banka

PINKU PANDEY S/O SHUBHANKAR PANDEY R/O Village- Karnpur,
P.S- Laxmipur, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 18-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Katoriya P.S. Case No. 181 of 2021 registered for the offence
under Sections 302, 201, and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

According to the prosecution, one dead body was
found lying near village Behanga river Jor sustaining
firearms injury.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in this F.I.R. but his name



transpired in this case on the basis of statement of the wife of the deceased which was recorded in paragraph- 28 of the case diary in which she has stated that the deceased had gone with the petitioner and the accused, Ram Ratan Pandey on the alleged date of occurrence but he did not return to home. He further submits that no one claimed to be the eye witness of the alleged occurrence and even the informant has also not seen the occurrence and merely on the basis of suspicion, this petitioner along with others have been made accused in this case. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Ramratan Pandey having more or less similar allegation has already been granted bail by this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 40483 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.01.2023

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is



sufficient material available on record to suggest the involvement of the petitioner in the alleged occurrence. Apart from the aforesaid, petitioner carries ten more cases other than the present one and according to paragraph-3 of the petition, he has been allowed bail in 8 cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 181 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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