

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37136 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- PIPRA District- East Champaran

Pankaj Kumar Son Of Nandu Rai @ Nandu Ray Vill Chakaniya Ps Pipra Dist
East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar, Advocate
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Rakesh Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the State and
learned counsel for the informant.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with S.Tr.
No. 284 of 2023 arising out of Pipra P.S. Case No. 289 of 2022
registered for the offence under Sections 302, 201, 34 of the
Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 06.10.2022.

5. The allegation against the petitioner is to commit
murder of son of informant alongwith other named co-accused



persons by using sharp-edged cut weapons and after committing murder thrown his dead body and motorcycle to a near by sugarcane field. Occurrence alleged to be arises out of pending money disputes.

6. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and basis of implication appears only suspicion arises out of disputed money transactions between son of deceased and named accused persons including this petitioner. It is submitted that the only incriminating material surfaced during the course of investigation against this petitioner is recovery of one knife alleged to be used for committing murder on the instance of this petitioner but it is not clear whether said recovered alleged knife was sent for forensic science laboratory for collecting scientific evidence. While travelling over the argument, it is submitted that co-accused persons, namely, Nawal Sah and Kanhaiya Kumar @ Kanhiya Kumar have already been granted bail by different learned co-ordinate Bench of this Court through Cr. Misc. No. 10389 of 2023 dated 04.05.2023 and Cr. Misc. No. 38152 of 2023 dated 07.07.2023 respectively. It is also pointed out that allegation to talk over mobile frequently also available against this petitioner as per



Call Detail Records (CDR), which appears irrelevant due to previous acquaintance. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, duly assisted by learned counsel Mr. Rakesh Kumar No. 1, appearing on behalf of the informant, while opposing the prayer of bail submitted that on the basis of confessional statement of this petitioner, alleged knife was recovered during the course of investigation. It is also submitted that petitioner was found in frequent conversation over mobile phone with petitioner and co-accused persons about time and place of occurrence but fairly conceded that charge-sheet submitted in this case without obtaining any forensic report.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as informant is not the eye-witness of the occurrence, where entire implication is based upon suspicion and moreover charge-sheet has been submitted without obtaining any forensic science report regarding seized knife as alleged to be recovered at the instance of this petitioner, where petitioner is in custody since



06.10.2022, accordingly, petitioner above named, is directed to be released on bail in connection with S.Tr. No. 284 of 2023 arising out of Pipra P.S. Case No. 289 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 A.D.J.-21, Motihari, East Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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