

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47655 of 2022

Arising Out of PS. Case No.-864 Year-2021 Thana- DANAPUR District- Patna

Pawan Kumar S/o Ganauri Mahto Resident of Sultanpur, P.S.- Danapur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoranjan Kumar, Advocate.
For the Informant	:	Mr. Vivek Raj, Advocate.
For the State	:	Mr. Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Manoranjan Kumar learned counsel for the petitioner, Mr. Vivek Raj, learned counsel for the informant and Mr. Navin Kumar Pandey, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Danapur P. S. Case No. 864 of 2021, giving rise to Sessions Trial No.594 of 2022, registered for the offences punishable under Sections 302, 120 (B) read with 34 of the Indian Penal Code and Sections 27 of the Arms Act with 25 (9) of the Arms (Amendment) Act, 2019.

The prosecution case is based on a written report



alleging therein that on 29/30.11.2021, the daughter of the informant had gone to attend a marriage ceremony of her relative, where she was shot and thereafter, she was taken to hospital, however, during the course of treatment, she died.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation of firing against all the F.I.R. named accused persons including this petitioner, however, this is not the case of the prosecution that the firing made by the petitioner resulting into the death of the deceased. He has further drawn the attention of the video clippings and vehemently submitted that from the video clippings and photographs it doesn't suggest that the petitioner is one of the person on whose firing the death has taken place. He next submits that other co-accused persons having identical allegation have been allowed bail by this Court in Cr. Misc. Nos. 27327 of 2022 and 22722 of 2022 vide order dated 18.07.2022. He lastly submits that the petitioner remained in custody for over a period of more than fourteen months.

On the other hand, learned counsel for the informant while opposing the bail application and submits that the complicity of the petitioner cannot be ruled out in view of the video clipping, where he was found present with the arms. He



has lastly drawn the attention of this Court to the antecedent, wherein the petitioner is found involved in one another case.

On the other hand, learned APP for the State opposes the bail application, however, he has shown his inability to confront the situation were other co-accused persons of identical allegation have been allowed the privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no ballistic report to show that the bullet found from the body of the deceased was fired from the gun of the petitioner, apart from the fact that other co-accused persons having identical allegation have been allowed privilege of bail by this Court, coupled with the period of custody over a period of fourteen months, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI, Danapur (Patna), in connection with Danapur P. S. Case No.864 of 2021, giving rise to Sessions Trial No.594 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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