

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46936 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

Shashikant Pandey S/O Umeshwar Pandey R/O Village- Pachrukhiya Kala,
Ps. Koilwar, Dist. Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Mr. Amarendra Kumar, Advocates
For the State	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 29.01.2023, in connection with Koilwar P.S. Case No. 55 of 2022, F.I.R. dated 22.01.2022 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the named and unnamed accused persons including the petitioner started firing indiscriminately and in that course the father of the informant and one Durgesh received injury and later on they both died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that from a bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner rather there is no specific allegation of any assault or firing against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.01.2023. He further submits that similarly situated co-accused persons, namely:

(1) Raj Kumar Rai @ Raj Kumar Ray has been granted bail by a Coordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 25296 of 2022.

(2) Arun Ray has been granted bail by a Coordinate Bench of this Court vide order dated 05.02.2022 passed in Cr. Misc. No. 26057 of 2022.

(3) Ram Shankar Ray Ray has been granted bail by a Coordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 17621 of 2022.

(4) Ajay Singh has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 46128 of 2022.

(5) Bideshi Rai @ Amresh Kumar Rai, Sanjay Pandey, Niraj Pandey, Rangi Rai have been granted bail by this



Court vide order dated 24.02.2023 passed in Cr. Misc. No. 42401 of 2022 and its analogous cases.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 10 more cases other than the present one but fairly submits on the basis of paragraph-16 of the bail petition that the petitioner is on bail in nine cases out of ten cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar P.S. Case No. 55 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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