

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52031 of 2023

Arising Out of PS. Case No.-366 Year-2019 Thana- MURLIGANJ District- Madhepura

Panchu Das @ Panchanand Das @ Panchu Tatma @ Panchu Son Of Ganeshi
Das Resident Of Village - Laxmipur Bhagwati, Police Station - Srinagar,
District - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Learned counsel for the petitioner is directed to

correct the paragraph-7 of the bail petition during course of the

day.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
15.04.2021 in connection with Murliganj P.S. Case No. 366 of
2019, F.I.R. dated 31.10.2019 for the offences punishable under
Sections 307/34 of the IPC and 25(1-b)A,26,27 & 35 of the
Arms Act.

4. According to prosecution case, the informant is the
A.S.I. of Murliganj Police Station. On Patrolling duty along
with other police personnel, he arrived at Maripur Kalla Chowk
where 5 persons were gathered and after parking their bikes, 2



were sitting on Machan. When the informant proceeds toward one person sitting on Machan, he opened fired on them, due to which the bullet hits on his thigh and he become seriously injured. It has also been alleged in the F.I.R. that the informant has apprehended the accused who opened fired on him. In the meantime, other persons standing also opened fired on the police who was also caught hold with the help of other police personnel. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of disclosure made by the apprehended co-accused person, namely, Deepak Kumar Gupta and Mukesh Kumar Sharma. He further submits that the petitioner was not arrested at the place of occurrence and nothing has been recovered from his possession and except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that co-accused, namely, Deepak Kumar Gupta has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2020 passed in Cr. Misc. No.



11565 of 2020. The petitioner is in custody since 15.04.2021.

6. The learned Additional Public Prosecutor for the State on the other hand, on the basis of material available in the case diary has vehemently opposed the prayer for bail stating that, it has come during investigation that the petitioner has fired upon the police personnel and petitioner carries 23 criminal antecedent other than the present one, so he may enlarge on bail after framing of charge.

7. Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, Madhepura in connection with Murliganj P.S. Case No. 366 of 2019, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan
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