

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3257 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- KOILWAR District- Bhojpur

PANKAJ KUMAR SON OF LATE SNTOSH YADAV R/O VILLAGE-
BHALUHIPUR, P.S.- ARA NAGAR, DISTRICT- BHOJPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Jitendra Chaudhary Late Naresh Chaudhary Resident of Village-Sakaddi,
P.S.-Koilwar, District-Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar
For the Respondent No-1:		Mr. Sadanand Paswan
For the Respondent No-2:		Md. Ataul Haque

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No-2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 25.08.2022,
passed by Ld. 1st Additional Sessions Judge cum Special
Judge SC/ST act, Bhojpur at Ara, arising out of Koilwar P.S.
Case No. 319 of 2021 registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code,
Sections 3(2)(v) of the SC/ST Act and Section 27 of the
Arms Act, whereby bail has been denied to the appellant.



The prosecution case as emerging from the FIR is that on 14.07.2021 when the informant's brother and one Manraj were sleeping in the godown, the appellant and his associates came there and started firing due to which both informant's brother and Manraj got fire-arm injuries. Later on, the brother of the informant succumbed to the injuries.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is not named in the FIR and his name transpired in the confessional statement of other co-accused. He also submits that one of the co-accused persons, namely, Satya Prakash Mahto has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Appeal (SJ) No. 194 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted but the charge has not framed till date.

He further submits that the appellant has been languishing in jail since 26.07.2022.

It has also been stated in paragraph no. 3 of the



appeal that the appellant has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the appeal that the appellant appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 25.08.2022, passed by Ld. 1st Additional Sessions Judge cum Special Judge SC/ST act, Bhojpur at Ara, and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Additional Sessions Judge cum Special Judge SC/ST act, Bhojpur at Ara in connection with Koilwar P.S. Case No. 319 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The appellant will make himself available for



interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, other than the disclosed one, Ld. court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the appellant.



Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

