

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56756 of 2022

Arising Out of PS. Case No.-873 Year-2020 Thana- SUPAUL District- Supaul

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PANCHANAND DAS @ PANCHANAND @ PANCHHA @ PANCHUA Son
of Ganeshi Das @ Ganeshi Tatma Resident of Village- Laxmipur, Bhagwati,
Ward No.-14, P.S.- Srinagar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 26-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with S.T.
No. 315/2021 arising out of Supaul P.S. Case No. 873 of 2020
dated 24.12.2020 registered for the offences punishable under
Section 302/34 of the Indian Penal Code and Section 27 of Arms
Act.

3. The main submissions advanced by petitioner's
counsel are that the petitioner is not named in the FIR and the
informant has revealed the names of the accused persons who
fired at the deceased and the petitioner has been dragged in this
case mainly on account of his long criminal history and during
investigation, the name of this petitioner surfaced in the



statement of co-accused namely Subodh Yadav and after the petitioner's remand in the present matter, he was not put on *Test Identification Parade* and no incriminating material was recovered in following with the statement given by him before the police and similarly situated co-accused persons namely Raushan Kumar @ Raushan Pandit and Gajendra Pandit have been granted anticipatory bail and regular bail by different co-ordinate Benches of this Court vide order dated 22.08.2022 and 16.08.2022 passed in Cr. Misc. Nos. 60073/2021 and 24755/2022 respectively. Further submissions are that the petitioner has been languishing in jail since 23.06.2021 and against him, the investigation has been completed. Further submission is that though against him, there are criminal antecedents of several cases but most of these cases relate to the year from 2008 to 2019.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides and perused the FIR, order impugned and case diary of this case. Learned counsel for the petitioner has mainly taken the plea that against the petitioner, the only material is the statement of co-accused Subodh Yadav and the said plea has not been refuted by learned APP and there



is no incriminating material to show the petitioner's involvement in the alleged occurrence except the said statement of co-accused Subodh Yadav and the report of the trial Court goes to show that the trial of the petitioner has not started on account of petitioner's non-production before the trial Court by the Jail Superintendent. Considering all these facts, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with S.T. No. 315/2021 arising out of Supaul P.S. Case No. 873 of 2020.

6. The trial Court is directed to frame the charge upon the petitioner immediately and thereafter, the petitioner will be released.

(Shailendra Singh, J)

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