

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59070 of 2023

Arising Out of PS. Case No.-363 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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PANKAJ KUMAR SINGH @ PANKAJ KUMAR S/O ARUN KUMAR
SINGH R/O VILLAGE- MUKUNDPUR, P.S- MUFFASIL, DISTT.-
SAMASTIPUR. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is an accused in connection with
Samastipur Muffasil P.S. Case No. 363 of 2021 registered for
the offences under section 394 of the Indian Penal Code lodged
on 02.09.2021 by the informant, Sanjeev Kumar Singh.

3. As per the prosecution story, the allegation is that
the informant after collection of sales of Girish H.P. Gas Agency
given Rs. 1 lakh to his staff to do the RTGS, when two accused
persons on the point of pistol, fled with bag of Rs. 10,000/- cash
and when they tried to stop, the accuseds resorted to
indiscriminate firing which hit the informant and was rushed to
Sanjeevani Hospital for treatment. Later, when he regained
consciousness, the FIR.

4. It has been submitted by the learned Counsel for
the petitioner that his name has come in the confessional
statement of Manish Kumar, there is omnibus allegation of
opening fire and causing injury to the informant, upon



knowledge of his implication in this case, he has surrendered.

5. Mr. Jitendra Kumar Singh, learned APP for the State, on the other hand, submits that he has criminal antecedent, matter is of 2021, he surrendered only after process under section 82 of the Cr.P.C. was initiated and it is not clear actually who fired.

6. To this, learned Counsel for the petitioner submits that some other accused persons have since been granted bail in Cr. Misc. No. 13769 of 2022 and its analogous cases.

7. Taking into account the submissions put forward by the parties as also that he is in custody since 12.06.2023 (as stated in paragraph 11 of the bail application), the others have been granted bail, this Court is inclined to extend him privilege of bail but only after framing of the charges in view of the fact that he has criminal antecedent.

8. It goes without saying that if the charges have already been framed, he shall be entitled to bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. II, Samastipur in connection with Samastipur Muffsil P.S. Case No. 363 of 2021, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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