

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60089 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- BAKHTIYARPUR District- Patna

Pankaj Kumar @ Raju Kumar Gulshan, Son of Late Dinkar Prasad, R/v-
Naya Tola Raghobpur West, P.S. -Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Smt. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sessions
Trial No.798 of 2022 arising out of Bakhtiyarpur P.S. Case
No.113 of 2022 registered for the offence punishable under
Section 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The informant has alleged that she was on way to the
house of Md. Mustaque along with her mother, when she has
been accosted by three named accused persons. Two unknown
persons have also surrounded the informant and the victim (her
mother). Co-accused Rabia Khatoon has fired upon her mother,
who died on account of gun-shot injury.



Learned counsel for the petitioner submits that even as per the prosecution case, firing is attributed against only one accused person, namely, Rabia Khatoon, and against the petitioner, there is allegation of being one who was surrounding the victim and the informant. The petitioner was not named, but has been dragged in this case by the co-accused Rabia Khatoon. The petitioner is in custody since 16.07.2022. It is submitted that his implication is on account of his criminal antecedents.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, custody and the fact that investigation is complete and that no overt act is attributed against the petitioner so far as killing is concerned, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Barh (District-Patna), in connection with Sessions Trial No.798 of 2022 arising out of



Bakhtiyarpur P.S. Case No.113 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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