

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66817 of 2022

Arising Out of PS. Case No.-98 Year-2019 Thana- BARARI District- Katihar

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Tuntun Pandey @ Ashok Kumar Pandey @Ashok Pandey S/o Shivji Pandey
@ Shivmuni Pandey R/o Village- Bakharpur, P.S.- Pirpanti, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Barari
(Semapur) P.S. Case No.98 of 2019 registered for the offence
under Sections 302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.07.2022.

The allegation against the petitioner is to commit the
murder of the brother of informant alongwith other unknown
co-accused persons by causing firearm injury due to previous
enmities.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was not named in the F.I.R. and his
name surfaced during the course of investigation after one year



and nine months, when the father of informant named this petitioner. It is submitted from the bare perusal of the F.I.R. the allegation of firing is available against named co-accused, namely, Basuki Thakur, Sanjay Thakur and Suman Kunwar. It is also submitted that other named co-accused, namely, Sunil Kumar Mandal has already been granted bail through one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.63098 of 2021 vide order dated 25.03.2022. It is also pointed out that petitioner is a man of clean antecedent but police wrongly mentioned his criminal antecedent in para no. 58 of the case diary, where charge-sheet of the said case not reveals the name of petitioner as an accused. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned above and by taking note of the fact as allegation of firing is not available against this petitioner coupled with the fact that charge-sheet has already been submitted, let above named



petitioner is directed to be released on bail in connection with Barari (Semapur) P.S. Case No.98 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-V, Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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