

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45716 of 2024**

Arising Out of PS. Case No.-350 Year-2023 Thana- NOORSARAI District- Nalanda

Pankaj Kumar S/o Ganesh Yadav R/o vill - Kishunpur, P.S. - Noorsarai, Distt.  
- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Samir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      02-08-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Noorsarai P.S. Case No.  
350 of 2023, instituted for the offences punishable under  
Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal  
Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the informant  
got an information that the accused persons are assaulting his  
father. On such information, he and his brother reached at the  
place of occurrence and saw that the accused persons including  
the petitioner are assaulting his father by means of Lathi and  
Danda. When they tried to save his father, the petitioner fired  
upon his brother as a result of which, his brother fell down.  
Thereafter, the accused persons fled away from the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has been falsely implicated in this case as being *gotiya* and neighbour of the informant due to land dispute. Charge has also been framed in this case on 25.04.2024. The petitioner is in custody since 15.12.2023 and has got three criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 875 of 2024 and has been granted regular bail by this Court vide order dated 07.12.2023 passed in Cr. Misc. No. 78566 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. A report was called for with respect to the stage of trial, the number of witnesses to be examined and the expected duration that will take to conclude the trial. As per report, the case is running for prosecution evidence and till now one prosecution witness has been examined by the prosecution.



7. Considering the aforesaid facts and circumstances of the case, prosecution witness examined by the prosecution, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Noorsarai P.S. Case No. 350 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

