

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48217 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SARAI District- Vaishali

=====

Ankit Pathak @ Ankit Kumar Pathak Son of Vipin Kumar Pathak @ Vipin Pathak Resident of Village- Rampur, Baghel, P.S.- Desri, Sahdai O.P., Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
		Mr. Pranav Kumar Jha, Advocate
		Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Sarai P.S. Case No. 11 of 2024, instituted for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, all the F.I.R. named accused persons surrounded the husband of the informant. The co-accused Sanjeet Kumar and Sanjay Kumar fired from the pistol on him due to which the informant's husband sustained grievous injury and died at the spot. It is alleged that the petitioner is also involved in the killing of the



deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of co-accused Rishu Kumar Singh @ Rishu Kumar. Except confession of the co-accused, there is not an iota of evidence against the petitioner in the entire record of this case. Direct allegation of firing is against co-accused Sanjeet Kumar and Sanjay Kumar. No T.I.P. has been conducted in this case. The petitioner has been remanded in this case from Sarai P.S. Case No. 14 of 2024 on 05.02.2024 and has got six criminal antecedents in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 46687 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, 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.

7. 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 Sarai P.S. Case No. 11 of 2024, 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

