

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58870 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Pankaj Kumar Yadav @ Pankaj Yadav, Son Of Jugeshwar Yadav, Resident Of
Village - Sukhasan, Police Station - Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and Mr. Raj
Ballabh Singh, learned APP for the State.

2. The petitioner in the present case is seeking regular
bail in connection with K.Asthan (Tilkeshwar O.P.) P.S. Case
No.102 of 2022 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act. He is in
custody since 24.11.2023. The petitioner has got 17 criminal
antecedents.

3. As per the prosecution story, on 15.03.2022 at
about 04:00 P.M. when the informant along with his elder
brother went to see Jalkar by motorcycle, the FIR named
accused persons along with 4-5 unknown persons assaulted his

brother. One Deepak Yadav fired upon the brother of the informant on the instruction from Pankaj Yadav (the petitioner) and other named persons also started repeated firing. The FIR named accused persons also fired upon the informant but somehow he escaped. In 2019, these FIR named persons had also killed the father of the informant and this case was informed by the elder brother of the informant who was shot. Since the brother of the informant did not take his case back, the FIR named accused persons killed him.

4. Learned counsel for the petitioner submits that in the First Information Report, the allegation against the petitioner is that he is the order-giver and at his instance Deepak Yadav had shot at the brother of the informant while all others were making indiscriminate firing. It is submitted that the four co-accused persons in this case have been granted bail.

5. Learned counsel submits that even as this petitioner has got altogether 17 criminal antecedents, in some of the cases he has been granted bail.

6. Learned APP for the State submits that the petitioner is specifically named in the FIR as an order-giver and it would appear on perusal of paragraph '3' of the application that there are 17 cases against the petitioner and some of them

are as old as of the year 2009 but the petitioner has not made any statement that he is on bail in those cases, therefore, it appears that the petitioner had not surrendered in those cases and while facing the accusations in several cases he got involved in commission of the crime as alleged in the present case also.

7. Having regard to the submissions noted hereinabove and taking note of the kind of allegations against the petitioner and his criminal antecedents of the cases since the year 2009 but there being no statement that the petitioner surrendered in those cases and he is on bail, this Court finds substance in the submissions of learned APP for the State.

8. In these circumstances, this Court is not inclined to grant privilege of bail to the petitioner. Prayer is refused.

9. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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