

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62602 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- NAYAGAON District- Begusarai

Pankaj kumar Son of Upendra Sah R/O- Kasimpur, P.S.- Nayagaon, Dist.-
Begusarai. Bihar- 851211

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard Mr. Saroj Kumar Sharma, learned Advocate for

the petitioner and Mr. Ganesh Prasad Singh, learned APP for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Nayagaon P.S. Case No. 31 of 2024,
registered for the offence punishable under Section 307/34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. While the informant was going to his house on his
cycle, in the meantime, two persons who were riding on a
motorcycle came there and caused firing due to which he
sustained firearm injury.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants nor
even the registration number of the motorcycle has been



disclosed. However, later on, the informant disclosed the mobile numbers, from which he was receiving threatening of extortion. The mobile number, which has been disclosed by the informant does not belong to the petitioner and only on suspicion, the name of the petitioner has been implicated in this case. Neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered, suggesting the complicity of the petitioner in the crime. Other co-accused person, having identical allegation, has been allowed the privilege of regular bail in Cr. Misc. No. 50538 of 2024 vide order dated 24.07.2024. It is lastly contended that now the investigation of the crime is complete and charge-sheet has been submitted. Moreover, the petitioner has been incarcerated since 15.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended with a mobile and motorcycle. It is also contended that the petitioner is carrying two criminal antecedent, as has been mentioned in paragraph no. 3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that neither the



petitioner nor the seized motorcycle or mobile has been put on Test Identification Parade; the investigation of the crime is complete and charge-sheet has been submitted; moreover, the FIR has been instituted against unknown miscreants and co-accused person, having identical allegation, has been allowed the privilege of regular bail, let the petitioner, named above, 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 learned C.J.M, Begusarai in connection with Nayagaon P.S. Case No. 31 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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