

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64753 of 2024

Arising Out of PS. Case No.-284 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Pankaj Kumar Yadav @ Pankaj Yadav Son of Jugeshwar Yadav Resident of
Village- Sukhasni, P.S.- Simri 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 State : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 31-01-2025 Learned counsel for the petitioner is permitted to

make correction in paragraph no. 2 of serial number of the

supplementary affidavit in course of the day.

2. Heard Mr. Vivekanand Singh, learned counsel for
the petitioner and Mr. Tapeswar Sharma, learned APP for the
State.

3. Petitioner seeks bail, who is in custody since
16.01.2024, in connection with K. Asthan (Tilkeshwar O.P.) P.S.
Case No. 284 of 2019, F.I.R. dated 21.11.2019 registered for
the offences punishable under Sections 147, 148, 149, 341, 342,
323, 447, 302 of the Indian Penal Code and Section 27 of the
Arms Act.

4. Allegation against the petitioner is that he along



with other co-accused persons fired with pistol indiscriminately on the father of the informant due to which his father was shot dead.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. all the accused persons including the petitioner fired with pistol indiscriminately on the father of the informant due to which his father was shot dead. Learned counsel for the petitioner submits that it appears from the F.I.R. itself that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused persons Jugeshwar Yadav @ Yugeshwar Yadav and others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.03.2021 passed in Cr. Misc. No. 35221 of 2020, another co-accused persons Satya Narayan Yadav and others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 24.03.2021 passed in Cr. Misc. No. 35169 of 2021, another co-accused person namely Vikash Yadav has been granted regular bail by this Court vide order dated 07.02.2023



passed in Cr. Misc. No. 59248 of 2022 respectively.

6. Learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that it appears from the F.I.R. that he was involved in the present crime in question and he carries eighteen more cases other than the present one but fairly submits in the supplementary affidavit that out of eighteen cases, the petitioner is on bail in thirteen cases, in one case he has been acquitted from the charges levelled against him and the rest four cases are pending.

7. Considering the aforesaid facts that there is no specific allegation of firing attributed against the petitioner as well as other co-accused persons have been granted the privilege of anticipatory bail or regular bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with K. Asthan (Tilkeshwar O.P.) P.S. Case No. 284 of 2019, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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