

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86545 of 2024

Arising Out of PS. Case No.-61 Year-2015 Thana- MATIHANI District- Begusarai

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Pankaj Kumar @ Pankaj Kunwar @ Pankaj Kuwar S/O Late Dev Narayan
Kunwar R/O Village- Shankarpur, Bakhadda, P.S- Matihani, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. No. 542/2015 (arising out of Matihani P.S. Case No. 61/2015 dated 21.04.2015 registered for the offence punishable u/ss 302 and 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the co-accused persons Rinku Devi, Daulat Kunwar, Ganga Singh, Shri Rajesh Chaudhary and 2-3 unknown persons are alleged to have stopped the informant and her family members, in the meantime, the co-accused, Rinku Devi ordered to shoot the



informant and her family members because these people have sent her husband to jail and are not even settling the case, as soon as she said this, the co-accused Daulat Kunwar fired two shots from the pistol causing injury to the informant's brother Krishna Murari Kunwar. When the informant went to rescue her brother, the co-accused, Ganga Singh and Rajesh Chaudhary started firing from their weapons due to which the informant's mother sustained bullet injury. Thereafter, the nearby villagers ran and on seeing them, the co-accused persons fled away from the spot and by then the police also arrived. Then they went to the spot and saw that the informant's mother and brother were lying soaked in blood and the informant's mother Kiran Devi died on the spot, while her brother Krishna Murari Kunwar was taken to Sadar Hospital Begusarai in an injured condition in a police jeep for treatment, where he was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has eight antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that the petitioner was in jail at the time of alleged occurrence, So, at best, the allegation of conspiracy can be levelled against the petitioner. Earlier the petitioner was granted bail by the co-



ordinate Bench of this court vide order dated 15.11.2015 passed in Cr. Misc. No. 37629 of 2015 and after granting bail the petitioner regular appeared before the learned court below up to the month of July, 2019. On 24.07.2019 an application under Section 317 Cr.P.C. was filed due to some unavoidable reason but the same was rejected by the learned trial court on same day i.e. on 24.07.2019 without giving opportunity to the petitioner. Thereafter, on 18.03.2020 the petitioner was arrested and since then he is in jail. Learned counsel has submitted that the present case is misuse of privilege of bail for a period of 7-8 months against which the petitioner is confined in jail since 18.03.2020.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with S.Tr. No. 542/2015 (arising out of Matihani P.S. Case No. 61/2015), with the condition;-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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