

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.4257 of 2015**

Arising Out of PS.Case No. -14 Year- 2007 Thana -ASAWAN District- SIWAN

=====

1. Rajesh Kumar Pandey, Son of Daya Shankar Pandey  
2. Pankaj Kumar Pandey, Son of Brij Mohan Pandey,  
Both are residents of Village - Pachbeniya, P.S. - Asaon, Distt.- Siwan  
..... Petitioner/s

Versus

The State of Bihar  
..... Opposite Party/s

=====

**Appearance:**

For the Petitioner/s : Mr.  
For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

ORAL ORDER

2      02-02-2015      Heard both sides.

The petitioners, Rajesh Kumar Pandey and Pankaj Kumar Pandey, apprehend their arrest in Asaon P.S. Case No. 14/2007 registered under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners were granted bail vide order passed in Cr. Misc. No. 30390 of 2007. The police, after investigation, submitted final form. The learned Chief Judicial Magistrate accepted the final form. The informant preferred revision / criminal case but the same was rejected as no illegality was found in the order accepting final form. Other accused persons were put on trial and, during the

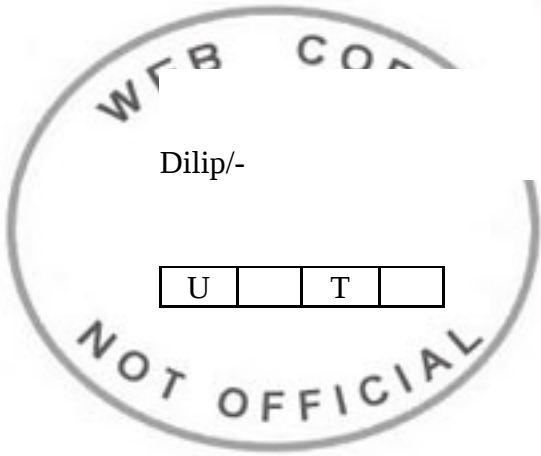
course of trial, some of the prosecution witnesses were examined. On the evidence of the prosecution witnesses, the petitioners were summoned to face trial under Section 319 Cr.P.C.

Learned counsel for the informant has submitted that the petitioners have already been granted bail; therefore, no question arises for grant of anticipatory bail.

On perusal of the records, it appears that the petitioners were granted bail on the basis of the materials collected during the course of investigation. Final form was submitted finding the case false against the petitioners and the petitioners were not sent up for trial. Final form was accepted but during the course of trial, the petitioners were again summoned to face the trial.

Having considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ad hoc Additional Sessions Judge V, Siwan in Sessions Trial No. 119 of 2010, arising out of Asaon P.S. Case No. 14/2007, subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.



Dilip/-

**(Prabhat Kumar Jha, J)**