

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6037 of 2015

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

- =====
1. Daya Shankar Pandey Son of Late Ram Sagar Pandey
@ Subhash Pandey
2. Uma Shankar Pandey Son of Late Ram Sagar Pandey @ Subhash Pandey
Both residents of Village - Pachbeniya, Police Station - Asaon,
District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Opposite Party/s Mr. Ashok Kumar Singh-1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 13.02.2015 Power is filed on behalf of the informant.

Learned counsel for the petitioners is permitted to make necessary correction in prayer portion of this petition within course of the day.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

At the very outset, it is pointed out by learned counsel for the petitioners that petitioner no.1, Daya Shankar Pandey has already been arrested and accordingly, prayer for anticipatory bail made on behalf of the petitioner no.1 stands dismissed being infructuous.

So far as petitioner no.2 is concerned, admittedly, in Asaon P.S. Case no. 14/2007, he was one of the FIR named accused but after

investigation, police submitted final form finding the accusation untrue against him and accordingly, he was not sent up for trial but in course of trial of other accused in Sessions Trial no. 119/2010, petitioner was summoned under section 319 of the Cr.P.C.

Learned counsel appearing for the informant submits that this petition is not maintainable because at the time of investigation of Asaon P.S. Case no. 14/2007, petitioner was taken into custody and subsequently, he was granted bail.

On the other hand, learned counsel appearing for the petitioner points that having more or less similar allegation co-accused Rajesh Kumar Pandey and another have already been granted privilege of bail by a coordinate bench of this court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that in the event of arrest/surrender within four weeks from the date of receipt of this order to the concerned court, let petitioner no.2, namely, Uma Shankar Pandey, be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Adhoc. Addl. Sessions Judge VI, Siwan in Sessions trial no. 119/2010 arising out of Asaon P.S. Case no. 14/2007 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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