

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30900 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

=====

Munna Pandey @ Bindeshwari Sharan Pandey Son of Hridya Pandey
Resident of village - Bhami Tola, P.S. Kuchaikote, Distt. - Gopalganj
..... Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate
Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party : Mr. Raj Kishore Singh, APP

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL ORDER

4 26-08-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Munna Pandey @ Bindeshwari Sharan Pandey, in connection with Kuchaikote Police Station Case No. 123 of 2014 under Sections 304(B)/201/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 30.08.2014, passed, in A.B.P. No. 955 of 2014, by the learned Sessions Judge, Gopalganj, dismissing the said application for pre-arrest bail.

Petitioner's earlier prayer for pre-arrest bail, which had given rise to Cr. Misc. No.38504 of 2014, was declined on 16.04.2015.

It, now, transpires, as has been submitted on behalf

of the accused-petitioner, that the husband of the deceased, namely, Awadhesh Pandey, who was tried in Session Trial No. 431 of 2014/916 of 2014, has, in the meanwhile, been acquitted vide judgment and order, dated 04.07.2015, passed by learned Additional Sessions Judge-V, Gopalganj.

It is, therefore, prayed that petitioner may be granted pre-arrest bail inasmuch as the warrant of arrest has been issued against him by the learned Additional Sessions Judge-V, Gopalganj, though the petitioner is merely a neighbour of the deceased woman's husband, who has already been acquitted.

Heard Mr. Bindhyachal Singh, learned Counsel for the petitioner, and Mr. Raj Kishore Singh, learned Additional Public Prosecutor, appearing on behalf of the State.

Considering the matter in entirety and in the interest of justice, it is hereby directed that the petitioner shall, within ten days from today, appear in the learned Court, where the case is pending for commitment, and upon his appearance in the learned Court below, if he applies for regular bail, the learned trial Court shall consider and dispose of the application for regular bail in accordance with law, at the earliest, taking into account the fact that the main accused has already been acquitted.

For a period of ten days from today, the execution of

the warrant of arrest, issued against the petitioner, shall be kept in abeyance and the same shall be recalled if the petitioner appears, in the learned Court below, in compliance to the directions hereinbefore, within the period mentioned hereinbefore.

With the aforesaid observations and directions, this application stands disposed of.

(I.A. Ansari, ACJ.)

Pawan/-

U		T	
---	--	---	--