

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49086 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -ANDAR District- SIWAN

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1. Sonu Dubey @ Sonu Kumar Dubey son of Late Rajesh Dubey @ Gillu Dubey, R/o Village- Andar(Gherai), District- Siwan
 2. Brajesh Kumar Pandey @ Brajesh Pandey son of Late Lal Chan Pandey
 3. Sandeep Pandey son of Late Lal Chan Pandey Both Residents of Village- Mahmoodpur, P.S.- Andar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Surendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 03-11-2015 Heard the Counsel for the petitioner and the informant.

After some arguments, Counsel for the petitioners seeks permission of the Court to withdraw the application so far as petitioner nos. 1 and 2 are concerned enabling them to surrender and seek bail.

Prayer is accorded.

The application is permitted to be withdrawn with the said liberty so far as petitioner nos. 1 and 2 are concerned.

Petitioner no. 3 is facing accusation punishable under sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

That allegation is that the accused persons along with one Monu arrived at the place of occurrence whereafter Monu is said to have fired at the informant. He escaped the shot and fell down. Hulla was raised. The miscreants fled away. Contention of

the petitioner is that allegation of firing is attributed to Monu and not the petitioner no. 3.

Having considered the fact that no allegation of firing is attributed to the petitioner no. 3 and he has no criminal antecedent, in the event of arrest or surrender in the Court below within four weeks, petitioner no. 3 namely Sandeep Pandey is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Andar P.S. Case No. 44 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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