

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48031 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -KUCHILA District- BHABHUA (KAIMUR)

- =====
1. Mangru Pandey @ Mangal Charan Pandey
 2. Jogi Pandey @ Jogeshwar Pandey, Both Sons of Late Mahanth Pandey,
R/o of Village - Gara, P.S. - Kuchhila, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 15-12-2015

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences
punishable under sections 147, 148, 149, 448, 323, 324, 325, 326,
307, 364, 302 and 504 of the I.P.C

Allegedly, the petitioners and other FIR named
accused persons being armed with Lathi, Danda, Spear and Garasa
entered into the house of the informant and started assaulting
Phulmati Devi, the mother and Tantu Pandey, the brother of the
informant. The informant after raising alarm fled away and then
the villagers came and thereafter the informant saw that his mother
is seriously injured and she stated that Tantu Pandey was taken



away by the accused persons. The informant informed the police and with the help of the villagers searched his brother lying injured near the chamber of Mangru Pandey having bleeding injury and thereafter the police also came and both the injured were brought to Kochas Primary Health Centre from where they were referred but in the way the brother of the informant succumbed to the injury and the mother was brought at Bhabua for treatment.

Submission is of false implication and that the petitioners have got no criminal antecedents, they are suffering in custody since 06.05.2015, there is no specific allegation and the allegations are omnibus and general in nature. There is contradiction in the statement of the injured Phulmati Kuer and the fardbeyan of the informant as Phulmati Kuer has stated that she and the deceased were going to Bhabua court to attend the date, whereas, in the fardbeyan the place of occurrence is alleged as the house of the informant, due to enmity and land dispute the petitioners have been implicated falsely. No occurrence has taken place in the manner as alleged by the informant and similarly situated co-accused Vinod Pandey has been allowed bail vide Cr. Misc. No. 33660 of 2015 by order dated 19.08.2015.

The learned A.P.P. opposes prayer for bail but is not

in a position to distinguish the case of the petitioners from Vinod Pandey.

In the facts and circumstances as stated above, considering that similarly situated co-accused has been allowed bail, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Kaimur at Bhabua in Kuchila P.S. Case No. 17 of 2015/ G.R. No. 1091 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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