

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42797 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -CHAKAI District- JAMUI

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1. Pancha Nand Pandey S/o Jainath Pandey
2. Sachchidanand Pandey S/o Jainath Pandey
3. Shanti Devi W/o Jainath Pandey
4. Shishupal Pandey S/o Bal Mukund Pandey
5. Basant Pandey S/o Late Devendra Pandey, Rohani, P.S. – Jasidih,
District – Deoghar and petitioner no. 1 to 4 are residents of Village -
Gamharia, P.S. Chakai, District Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Verma, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Dukhan Yadav was cutting soil near well the informant forbade. The informant, his wife and brother also forbade, but the accused persons assaulted his brother Abhimanyu Pandey and his wife Anita Devi with fists and slaps. Dukhan Yadav called Bal Mukund Pandey, Pancha Nand Pandey petitioner no. 1, Sachchidanand Pandey petitioner no. 2, Basant Pandey petitioner no. 5 cousin of Bal Mukund Pandey, Shanti Devi petitioner no. 3,



Boro Pandey, Shishupal Pandey they assaulted the informant and others with fists and slaps. In the meantime, Shanti Devi petitioner no. 3 and Shishpal Pandey brought arms from the house and handed over the arms to Bal Mukund Pandey, Sachchidanand Pandey petitioner no. 2 and Pancha Nand Pandey petitioner no. 1. Bal Mukund Pandey fired causing death of Abhimanyu Pandey on the spot.

Learned counsel for the petitioners submits that there is no allegation of assault against the petitioners. Petitioner no. 3 Shanti Devi who is a lady and her name has falsely been implicated in the case. The occurrence took place on account of land dispute.

Learned counsel for the informant submits that the accused persons firstly assaulted Abhimanyu Pandey with fists and slaps, thereafter, Bal Mukund Pandey fired causing the death of Abhimanyu Pandey on the spot.

Considering the facts aforesaid and the fact that except Shanti Devi petitioner no. 3, all the four petitioners are alleged to have assaulted with fists and slaps and Bal Mukund Pandey fired which causing death of Abhimanyu Pandey on the spot, I am not inclined to enlarge the petitioners namely Pancha Nand Pandey petitioner no. 1, Sachchidanand Pandey petitioner no. 2, Shishupal

Pandey petitioner no. 4 and Basant Pandey petitioner no. 5 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Shanti Devi, petitioner no. 3 is concerned, there is no overt act against her, she is a lady, she, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Lalan Kumar, the learned Judicial Magistrate 1st Class, Jamui in Chakai P.S. Case No. 17 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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