

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6405 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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AJAY PANDEY son of Late Raj Shankar Pandey, resident of Village-
Bariyaria, P.S.- Sangrampur, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.6829 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

Arvind Pandey @ Chhotan Pandey son of Late Raj Shankar Pandey,
resident of Village- Bariyaria, P.S.- Sangrampur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.6405 of 2016)

For the Petitioner : Mr. Abhishek Kumar, Advocate.

For the Opposite Party : Mr. Nirmal Kr. Sinha(APP)

(In Cr.Misc. No.6829 of 2016)

For the Petitioner : Mr. Abhishek Kumar, Advocate.

For the Opposite Party : Mr. Murlidhar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2016 Both the Criminal Miscellaneous are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the

State.

The petitioners seek bail in connection with Sangrampur P.S. Case No. 149 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused came and started abusing. Co-accused Abhay Pandey gave order to kill Israel Mian, the husband of the informant and then co-accused Pankaj Pandey pierced sword in the abdomen of Israel Mian resulting, he fell down and the petitioner Arbind Pandey was assaulting with lathi.

The submission is of false implication and that the petitioners are not assailants, the doctor who has conducted postmortem examination has not given definite opinion regarding cause of death, co-accused Abhay Pandey has already been allowed bail vide Cr. Misc. No.4816 of 2016 dated 11.02.2016 and the petitioners are suffering in custody since 02.11.2015.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioners and other co-accused with common intention have committed the crime.

In the facts and circumstances stated above,

considering that the petitioners are not the assailants and as such the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 14th Additional Chief Judicial Magistrate, Motihari, East Champaran, in connection with Sangrampur P.S. Case No.149 of 2015, subject to conditions that one of the bailors must be 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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