

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11302 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. SHEKHAR SUMAN PANDEY @ SHEKHAR PANDEY @ SITU
PANDEY @ SITU Son of Late Radha Raman Pandey @ Raman Pandey
resident of village - Churamanpur, P.S. Industrial Area, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

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

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

3 29-04-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 307, 302 and 120 B/34 of the I.P.C and
section 27 of the Arms Act.

Allegedly, due to the election rivalry the petitioner
and other co-accused surrounded Rama Shankar Pandey @
Jhaman Pandey, Shivji Pandey and Ghanshayam Pandey @ Mantu
Pandey directed to catch him and then the petitioner, Chottu
Mishra and Lattu Pandey after pointing out pistol caught hold
Rama Shankar pandey @ Jhaman Pandey and Shivji Pandey shot
him in his head and when the informant and others raised alarm

then all the accused persons opened fire upon them but they fled away and the brother of the informant died.

Submission is of false implication and that the petitioner has been implicated falsely without any basis though he was not present at the place of occurrence, witness Vikash Gupta who runs betel shop has stated that Chottu Mishra shot Rama Shankar Pandey @ Jhaman Pandey and Chottu Mishra has opened two shots, other eye witnesses, namely, Janardan Sah and Shailendra Rai have also stated similarly that only Chottu Mishra has committed the crime, vide paragraphs- 158, 159 and 160 of the case diary.

The learned A.P.P. submits that the informant is also claiming himself as an eye witness and he has named the petitioner also.

In the facts and circumstances as stated above, considering that the petitioner is not the assailant and there is admitted election rivalry and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Buxar in Buxar (Industrial Area) P.S. Case No. 04 of 2016, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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