

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12293 of 2016

Arising Out of PS.Case No. -158 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

Tirath Raj Pandey Son of Megh Narayan Pandey, resident of Village Pursotampur, Police Station Chainpur, District Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.12654 of 2016

Arising Out of PS.Case No. -158 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

Ramvilas Pandey son of Kanhaiya Pandey, resident of village Pursottampur, Police Station Chainpur, District Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

(In Cr.Misc. No.12293 of 2016)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.Pp)

(In Cr.Misc. No.12654 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Garg

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 09-05-2016 Both the criminal miscellaneous applications are of same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners and the learned A.P.P. representating the State.

The petitioners seek bail in connection with Chainpur P.S. Case No. 158 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 325, 302 and 504 of the Indian Penal Code and Section 3(i)(xi)/3(2)(V) of the SC/ST Act.

Allegedly, six F.I.R. named accused persons including the petitioners and five-six unknown being armed came, the petitioner Tirath Raj Pandey instigated to kill Kishun Gond and then all started assaulting Kishun Gond brutally with weapon resulting he became seriously injured and both the hands were fractured and when Hirawati Devi came to protect him, she was also assaulted by Shivanand Pandey causing fracture of her left wrist. When Kishun Gond was being brought to Varanasi for treatment, he died en-route. The occurrence is said to be caused due to land dispute.

Submission is of false implication due to land dispute, the prosecution version as alleged is not true version. Against the petitioner Tirath Raj Pandey, allegation is that he has given an order and against the petitioner Ramvilas Pandey, there is no specific allegation and without any specific allegation, they are suffering in custody. During post-mortem report, three injuries have been found which all are caused by hard and blunt object and

as such the petitioners deserve sympathetic consideration.

The learned A.P.P opposes the prayer of bail by submitting that Hirawati Devi has also supported the allegation.

In the facts and circumstances stated above, considering that against the petitioner Tirath Raj Pandey, there is allegation of giving order and against the petitioner Ram Vilas Pandey, there is no specific allegation. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 158 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)

Mishra/-

U		T	
---	--	---	--